Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
O'Rourke
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—30

Brown (FL)
Campbell
Clyburn
Cummings
Daines
Duffy
Edwards
Garcia
Gingrey (GA)
Grayson
Gutierrez
Hanabusa
Higgins
Hinojosa
Hoyer
Johnson, Sam
Labrador
Lewis
Lofgren
Markey
Nolan
Palazzo
Pascrell
Pelosi
Pompeo
Quigley
Scalise
Scott, David
Wagner
Young (AK)

□ 1047

Mr. DEFAZIO and Ms. WILSON of Florida changed their vote from ''yea'' to ''nay.''

Mr. WALBERG changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 180, not voting 30, as follows:

[Roll No. 156]

AYES—223

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—180

Andrews
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Green, Al
Green, Gene
Grijalva
Hahn
Hastings (FL)
Heck (WA)
Himes
Holt
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
O'Rourke
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—30

Brown (FL)
Campbell
Clyburn
Cummings
Daines
Duffy
Edwards
Garcia
Gingrey (GA)
Grayson
Gutierrez
Hanabusa
Higgins
Hinojosa
Hoyer
Johnson, Sam
Labrador
Lewis
Lofgren
Markey
Nolan
Palazzo
Pascrell
Pelosi
Pompeo
Quigley
Rigell
Scalise
Scott, David
Wagner

□ 1055

Mr. MAFFEI changed his vote from ''no'' to ''aye.''

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.

SEC REGULATORY ACCOUNTABILITY ACT

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous material for the record on H.R. 1062, the SEC Regulatory Accountability Act of 2013.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 216 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1062.

The Chair appoints the gentleman from Georgia (Mr. WOODALL) to preside over the Committee of the Whole.

□ 1057

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 consideration of the bill (H.R. 1062) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders, with Mr. WOODALL in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge the adoption of H.R. 1062. This is a bill that technically is about something called cost-benefit analysis. I know to some that sounds a little bit like Ph.D. economics, but, Mr. Chairman, what it's really about is kitchen-table economics.

□ 1100

When I go home to the Fifth District of Texas, what I hear from my constituents is that they're insecure in their jobs—those who are lucky enough to have them.

We know that millions of our fellow citizens are unemployed, are underemployed; and those who are fortunate enough to have jobs wonder will they have them tomorrow.

We know again that we are in the Great Recession, the ''non-recovery'' recovery. So the impact of the regulations that are promulgated in Washington, D.C. has a huge impact on kitchen-table economics, on whether or not our constituents are going to be able to put gas in the car to take their children to school, whether or not they're going to be able to help an elderly parent with their medical bills, how they're going to put groceries on the table.

It is incumbent upon us, Mr. Chairman, to make sure that the rulemaking authority—that this body helps grant the executive branch—at least has to take into account how their rulemaking impacts hardworking American citizens and those who wish to work hard.

So this is a very, very simple bill, Mr. Chairman. It simply says that the Securities and Exchange Commission has to adopt cost-benefit analysis to ensure that the advertised benefits of one of their rules is actually measured against the actual cost of what they're doing. This is vitally important.

Mr. Chairman, as you well know, this body had a vote yesterday to repeal the Affordable Care Act—or dare I say the Not So Affordable Care Act. And I'm curious, what would have happened had Congress had the benefit of the cost of this bill prior to that vote? What would have happened had we known that the Congressional Budget Office said that we will have 800,000—almost 1 million—fewer jobs because of ObamaCare?

You know, when we took that vote, Mr. Chairman, all we had were the advertised benefits. But how come we didn't have the Congressional Budget Office report of the cost? That's just one example. Almost 1 million fewer jobs because nobody bothered to conduct cost-benefit analysis. It wasn't required at the time.

Now the President claims that we ought to have this. He issued an executive order—No. 13563—saying government agencies ought to do it, but then his administration issues a veto threat on this bill. I find that kind of interesting. So the President says he wants to do it; he's just not actually going to do it.

The SEC mission, among other things, is to ensure that we help form capital. You cannot have the benefits of capitalism and the free enterprise system without capital, capital formation. So it's necessary to ensure that we look at the cost of what we're doing.

Apparently, the SEC historically—again, notwithstanding that they claim they're going to do it. Most recently, we've had a unanimous decision of the D.C. Circuit Court of Appeals—unanimous decision—in the proxy access case that the SEC failed—and failed miserably—at ensuring cost-benefit analysis, also known as kitchen-table economics. How are the costs of their rulemaking going to impact hardworking Americans?

It's time to remedy this, Mr. Chairman. Our constituents demand it.

Again, I urge the adoption of H.R. 1062, and I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

I rise to strongly oppose H.R. 1062. This bill places significant additional requirements for economic analysis by the Securities and Exchange Commission, effectively bringing any efforts at rulemaking to a standstill.

Let's be clear: the purpose of this legislative effort is to stop implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act dead in its tracks. After losing in Congress, the fight against the Dodd-Frank act moved to the courts, beginning with overturning the proxy access rules they adopted under authority provided by that act.

Although I agreed fully with the SEC's position, they went with their friends to court and the court found that the SEC did not meet its already significant requirements to conduct an economic analysis.

After the proxy access case was overturned, the SEC adopted improved standards for conducting cost-benefit analyses. These procedures were cited by the GAO just last December as having all of the elements of good regulatory analysis. Basically, what the GAO is saying is we took a look, we studied it, and they do a good job.

Nonetheless, the bill before us today adds even more requirements, tying up the SEC resources, and putting it at even greater risk for litigation for every rule, despite the assurances of my Republican colleagues that they're only applying the terms of an executive order to the SEC. That executive order explicitly protects agencies from lawsuits based on their economic analysis. H.R. 1062 has no such protection for the SEC.

The Commission is undertaking a valiant effort to finish the Dodd-Frank and Jobs Acts rule, even in the face of attempts by the majority to restrict their funding. As the SEC attempts to balance capital formation with the need to protect investors, this bill weights the scales heavily in favor of industry over investors. In fact, the words ''investor protection'' do not appear anywhere in this bill.

Even without this bill, we can count on industry lobbyists to sue the SEC anytime it sees a weakness in the justification supporting a rule, as they have in several other cases currently before the courts.

And this bill does not apply only to new rules. This is extraordinary—and I want to say this so everybody understands—this bill would require the Commission to review every rulemaking ever issued—even those that have protected our securities markets since the Great Depression—1 year after the adoption of this bill, and then again every 5 years thereafter. As a result, the Commission will be forced to divert resources away from other key areas, such as enforcement.

This comes at a time when House Republicans want to hold SEC funding flat, despite the SEC's new responsibilities—the increase in the number of participants it oversees and the growth of complexity and the size of U.S. securities markets.

It is ironic that as House Republicans push this bill forward, they are also calling for the SEC to speed up its efforts on Jobs Act rules. This bill makes it impossible for the SEC to meet the very deadline we adopted just 2 days ago when we passed H.R. 701.

I urge my colleagues to oppose H.R. 1062, and I reserve the balance of my time.

Mr. HENSARLING. I yield myself 30 seconds, Mr. Chairman, just to say that, number one, in listening to my colleague, the ranking member, I'm just curious about this concern about litigation burdens. We certainly didn't see it, as she and many of her colleagues back the proxy access rule, and how many have refused to support medical liability reform. So I don't understand why the litigation burden concern is not there.

In addition, I notice that the SEC has sought comment in the past on rulemaking to ensure that there is a retrospective look-back because markets change.

At this time, Mr. Chairman, I would like to yield 5 minutes to the chairman of the Subcommittee on Capital Markets and GSEs of the Financial Services Committee, the author of the legislation, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman.

I rise today obviously in support of H.R. 1062, the SEC Regulatory Accountability Act.

At a time when new regulation after new regulation is being proposed by

this administration, it is critical that we restore some semblance of order to the regulatory process and ensure that our Nation's small businesses do not continue to drown in a sea of red tape. So this legislation specifically subjects the SEC to a more robust version of the President's own order, which requires and outlines an enhanced cost-benefit analysis requirement, as well as requires a review of existing regulations.

□ 1110

The SEC Regulatory Accountability Act will do what? It will enhance the SEC's existing economic analysis requirements for requiring the Commission to first identify the nature of the problem that would be addressed before issuing any new regulations.

While the SEC has already certain cost-benefit related requirements in current law relative to rulemaking, as indicated before, recent court decisions have vacated or remanded several of these and pointed out the deficiencies in the Commission's use of cost-benefit analysis.

For example, recently the SEC inspector general issued a report that expressed several concerns about the quality of their analysis. They found that none of the rulemaking examined attempted to quantify either benefits or costs, other than informational collection cost.

This bill will ensure that the benefits of any rulemaking outweigh the cost, and that both new and existing regulations are accessible, consistent, written in plain language, and easy to understand.

The legislation will also require the SEC to assess the cost and benefits of available regulatory alternatives, including the alternative of not regulating at all, and to choose the approach that basically gives us the best benefits.

Under the bill, the SEC shall evaluate whether a proposed regulation is inconsistent, incompatible, or duplicative of other Federal regulations, as well.

So because some rulemaking has been politicized in the past, the bill then requires this cost-benefit analysis which I talk about will be performed by who? By the Commission's chief economist.

These are commonsense reforms. They are appropriate, especially given the fact that the Commission continues to struggle with this issue. For instance, as already pointed out in the recent unanimous decision of the D.C. Circuit Court of Appeals, which vacated the Commission's proxy access rule, the Court stated:

> The Commission acted arbitrarily and capriciously for having failed once again adequately to assess the economic benefits of a new rule and inconsistently and opportunistically framed the costs and benefits of the rule.

The bill also includes, besides all this, a section that will provide a clearer post-implementation assessment of new regulations so that post-implementation cost-benefit analysis can also be done, in addition to the pre-implementation. This will be able to better inform the true impact of the major rules once they're in place.

Now, some of my colleagues on the other side of the aisle say these new requirements will be too costly and will open the SEC to a flood of additional lawsuits. No, no, no, no. This could be further from the truth. By having these robust standards, the rules will be drafted so well that they will be thoroughly done, they will not be struck down by the courts, and we will not have to wade through additional time and money defending them in court and then redrafting the rules, like the proxy access rule.

So in the end, this is a commonsense, pragmatic approach to our rulemaking process that should have been in place all along. And with our economy struggling now with unemployment above 7½ percent, we need to ensure that we're making it easier, not harder, for businesses to begin hiring again.

Clearly, Mr. Chairman, a stronger commitment to economic analysis by the SEC is absolutely essential to ensure reasonable rules do not unduly burden registered companies or negatively impact job creation.

Ms. WATERS. At this time, I would yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Chairman, I thank the lady for yielding and for her leadership.

I strongly oppose this bill because I believe it would in effect cripple the SEC just as it undertakes the immense task of implementing the essential Dodd-Frank reforms. May I remind my colleagues that this country lost $12 trillion, according to some estimates, and it happened in part because regulators, like the SEC, were ill-equipped, underfunded, and did too little, too slowly.

The Republican bill comes in the guise of requiring the SEC to undertake a cost-benefit analysis of regulations. But it is really a prescription for paralysis of the SEC's ability to protect our investors and our markets.

There is already a multilayered and highly effective cost-benefit analysis built into the SEC rulemaking process. Just look at the recent D.C. Circuit case where the court overturned an SEC proxy access rule and sent a message back to the SEC reminding them of all the cost-benefit analysis that they are required to do now by law. They stated they will vacate any rule if this is not done.

Already there is analysis required under the Paperwork Reduction Act, the Congressional Review Act, and the Regulatory Flexibility Act. And just for the SEC alone, in 1996, we passed the National Securities Market Improvement Act requiring a cost-benefit analysis.

It is already there, it is on the books, and it is enforced by our courts. So what is before us today? A hurdle. Let's do more. Let's require them to go back to 1933, review every rule, so they cannot do their important work of protecting the American taxpayer and our economy of derivatives fraud, other fraud, and other abuses to investors.

The CHAIR. The time of the gentlewoman has expired.

Mrs. CAROLYN B. MALONEY of New York. I'm just warming up. I think my colleagues have a lot to say. It is a prescription for paralysis. I urge a ''no'' vote for investor protection.

Mr. HENSARLING. Mr. Chairman, I yield myself 10 seconds just to say to my friend from New York that if this regime is so effective, why was there a unanimous decision in the D.C. Circuit Court of Appeals to say it was ineffective, and if it is already on the books then the worst thing that we have done is that we are being repetitive. I don't think that's such a great sin.

I now yield 2 minutes to the gentleman from Virginia, the vice chairman of the Capital Markets Subcommittee, Mr. HURT.

Mr. HURT. I thank the chairman for yielding and thank him for his leadership on this issue.

Mr. Chairman, I rise today in strong support of the bill that's being offered by Mr. GARRETT. This is a bill that will ensure the SEC will abide by simple cost-benefit analysis requirements.

All Federal agencies, but especially the SEC, affect the efficiency and the success of our Main Street businesses—our Main Street businesses across Virginia's Fifth District and all across this country. The SEC primarily exists to protect investors, maintain fair and efficient markets, and to facilitate capital formation. This positions the Commission as a critical component of our small businesses' ability to access the capital they need to grow jobs. If access to capital continues to be constrained by overly burdensome regulations, we will not see the economic growth in the jobs that we need in my district and across the United States.

While it is critical that the SEC be able to promulgate certain rules to implement congressional legislation, it is also critical that Congress clearly set forth its legislative prerogatives. As Members of Congress, we must ensure that the rules that the SEC adopts are with good purpose and that they are not unduly adding more burdens on hardworking Americans at a time when our economy is struggling.

Indeed, I believe that all Federal agencies should be held accountable by the Congress to ensure that the cost of the rules that they promulgate will not be greater than the benefit of those rules to the American people.

Congressional oversight is our constitutional responsibility, and I'm proud to support this legislation to ensure that excessive Federal regulations are not unnecessarily hindering job creation at a time when the people across Virginia's Fifth District need jobs the most.

I urge passage of this good bill.

Ms. WATERS. I now yield 2 minutes to the gentlelady from Wisconsin, Representative GWEN MOORE.

Ms. MOORE. Mr. Chairman, I thank the gentlelady. Just let me say that a 2013 GAO study estimated that the financial crisis cost the U.S. economy a total of more than $22 trillion—a crisis brought on by Wall Street deregulation that allowed firms and markets to operate unchecked and without accountability.

Supporters of this bill seek to ignore those lessons and bind the SEC to the myopic vision of deregulation that was completely discredited when it nearly caused a second Great Depression.

This bill raises intractable hurdles to regulation, making it impossible to protect investors, even in the presence of fraud. Instead, this bill requires the SEC to eliminate accountability for market participants, despite the systematic risk that it imposes.

Now, my dear colleagues on the other side, I've heard them wax on and on and on about a cost-benefit analysis. This bill focuses totally on the cost to market participants and talks nothing, nothing, nothing about the benefits of the SEC regulation in protecting investors and avoiding systemic risk, nothing about the value of preventing another financial meltdown.

□ 1120

The Republicans' cost-benefit rhetoric on this bill cloaks its reality, which is that this bill benefits Wall Street and costs taxpayers. Wall Street bemoans all regulations as too costly; yet they keep posting record profits and keep paying record bonuses.

I urge all of my colleagues to support those hurt by the financial crisis and to vote against this legislation.

Mr. HENSARLING. Mr. Chairman, at this time, I yield 1½ minutes to the gentleman from Frog Jump, Tennessee (Mr. FINCHER).

Mr. FINCHER. Mr. Chairman, I rise today in support of the SEC Regulatory Accountability Act.

Title I of the JOBS Act was so important for smaller companies in trying to go public, because a lot of regulations come with the IPO process. If more and more of a company's resources have to be dedicated to government regulations, the company can't expand and create jobs. That's why we need a balanced approach to regulations.

Before I make any major decision, like every hardworking taxpayer, I use common sense. I evaluate the effect that decision will have on me, on my bank account, on my family, and so on. Why shouldn't the Federal Government ask itself those same questions? Shouldn't the SEC question if a regulation is good for business? Does it help capital formation? Will it do more harm than good or vice versa?

All we are asking the SEC to do is a simple economic analysis before issuing a potentially expensive regulatory action. I encourage my colleagues to join with me in supporting the SEC Regulatory Accountability Act.

Ms. WATERS. I yield 2 minutes to the gentleman from Minnesota, Representative ELLISON.

Mr. ELLISON. Mr. Chairman, we hear folks mentioning the need for families to have gas and to pay medical bills and to pay groceries—but wait a minute.

Didn't the Wall Street reform crisis of 2008 nearly destroy the American economy? Didn't it lead to 4 million foreclosures? Didn't it nearly wipe out billions of dollars in home value? Didn't it do all of these things? In 2008, didn't we see Wall Street fraudster Bernie Madoff rip off billions from investors and charities and retirees, which is something that the SEC has jurisdiction over?

So then, why now are we undermining Wall Street reform and the ability of the SEC to protect investors? Why are we gumming up the works and making it so much more difficult? I mean, the ink is barely dry on the bill, and they are already deconstructing it.

There is an interesting article I would ask all of us to take a look at. It's called, ''He Who Makes the Rules,'' by Haley Edwards:

> Barack Obama's biggest second-term challenge isn't guns or immigration. It's saving his biggest first-term achievements, like the Dodd-Frank law, from being dismembered by lobbyists and conservative jurists in the shadowy, Byzantine ''rulemaking'' process.

The fact is that we know what's going on here. We know what the game is. It has nothing to do with groceries or medical bills. It's about Wall Street's interests and its trying to expand even more in the area of bonuses and profitability, which it has so much of already. Banks are enjoying their largest profits in history, and yet we are considering a bill that would undermine landmark Wall Street reform. This bill undermines the financial security for the American people and the economy.

Now, I am a firm believer in the American process of civil redress, but I also know that you can kick the door open and use strategic lawsuits simply to slow down and gum up the works. It's clear that that would be the effect of this particular piece of legislation, which is duplicative and which is unnecessary.

Vote ''no'' on H.R. 1062.

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. I rise today in support of H.R. 1062, the SEC Regulatory Accountability Act.

Mr. Chairman, we are coming out of and are still in the worst recession recovery since the 1930s. Our economic growth is at an anemic 2½ percent. We can't continue like this. It's all because we have got a very burdensome regulatory environment. What we need is a regular recovery, one in which they lift the burdensome and unnecessary regulations and allow businesses to grow and to create jobs. Why, in 1 month alone, over a million jobs were created.

That's why I support the Regulatory Accountability Act. It's very simple. It just requires a cost analysis of new legislation and new requirements for businesses before they're implemented and then post-adoptive analysis after they've been put into effect.

Mr. Chairman, we have 59 economists at the SEC today and 175 attorneys, all trying to justify their careers with new regulations that they are writing all the time. This has got to change. We need a positive business climate that will bring us out of the bondage of Washington micromanagement and that will allow hardworking Americans to create better jobs and find better jobs to support their families and provide for them.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut, Representative HIMES.

Mr. HIMES. Thank you, Madam Ranking Member, and thank you for your leadership of our side on this committee.

Mr. Chair, I rise in opposition to H.R. 1062.

I find it curious that Chairman HENSARLING, a man for whom I have a great deal of respect, frames this legislation in the context of the huge impact that financial regulation is supposedly having on jobs in his district and on jobs in this country.

I've read all of the economic reports from the Federal Reserve to economists on the left and the right, and not one of them says that our economy is recovering slowly because of financial regulation. They talk about the austerity. They talk about the sequester as meaningfully reducing the number of jobs in this country. By the way, they're policies that Chairman HENSARLING's party has supported from moment one. They talk about Europe. They talk about housing. They talk about inadequate demand. Nobody says that financial regulation is materially impeding our recovery.

Curious that that's on the table.

Curious also that 2 days ago this House passes legislation to demand the SEC to speed up its rule writing on the JOBS Act, and today we are here to pass a measure that would actually slow down the SEC.

Curious. Why is that?

Curious that the other side, my friends in the Republican Party, have consistently sought to underfund the SEC at the very moment in history when we have added dramatically to their purview—the derivatives market, the mortgage market—that they now must regulate. Yet, in 2011, when they were first to assume these responsibilities, the Republicans sought to cut the SEC budget by $300 million against what was ultimately paid for.

So what is really happening? If I may quote the chairman, what is this really about? None of that makes sense.

What this is really about is an ongoing ideological effort to tie the regulatory agencies up by cutting their budgets, by refusing to confirm their leadership, by imposing litigation hurdles and cost-benefit analyses ad nauseam such that they cannot do their job; and if they can't do their job, this country loses jobs.

Mr. HENSARLING. Mr. Chairman, at this time, I yield 1 minute to the chairman of the Financial Services and General Government Appropriations Subcommittee, the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for the time, and I thank Mr. GARRETT for bringing this important piece of legislation before the House today.

As chairman of the Appropriations Subcommittee on Financial Services, my subcommittee has oversight of the budget of the SEC.

I think that Members would be interested in knowing that that budget has increased over 200 percent in the last decade and that the SEC this year is asking for a substantial increase, more than most agencies. So I think, if that is the case, then it's important that the SEC spends the money that they receive in the right way and that they set the right priorities.

It seems to me that, if rules and regulations are important and if they're necessary, then the cornerstone of that rulemaking process should be: What kind of impact is that going to have on the people in this country? What kind of far-reaching impact is it going to have? How much does that cost? What are the benefits?

□ 1130

So far, the SEC hasn't quite gotten that right. The inspector general has said that, courts have said that, and all this bill does is simply say to the SEC what we would all agree is common sense. It's not a partisan idea. It's not a Democratic idea. It's not a Republican idea.

The CHAIR. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentleman an additional 30 seconds.

Mr. CRENSHAW. All this bill does is say—not as an afterthought, but as the cornerstone to the rulemaking process—the SEC simply understands the economic impact it's going to have and there's a cost-benefit analysis done.

It's a good bill, and I urge its passage.

Ms. WATERS. I yield 2 minutes to the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. Thank you, Ranking Member, for your leadership on efforts to strengthen the SEC and to beat back this legislation.

As a member of the Financial Services Committee, I had the privilege yesterday of meeting the new SEC chairman, Mary Jo White. I was very impressed.

I heard her describe her plans to take a tough, fair, and apolitical approach to regulating the financial sector. She wants to strengthen enforcement, she wants to oversee the markets through wise regulations that keep pace with technology, and she wants to complete the rulemaking progress for Dodd-Frank. We know how important each of those things is. She certainly has her work cut out for her, but it sounds like she knows just what the doctor ordered.

Unfortunately, today's bill threatens to distract Chairman White from her efforts to protect investors and to protect our financial system from another crisis. Today's bill piles needless requirements and bureaucratic burdens on an agency that's already got too much to do and that is underfunded.

A critical part of the SEC's mission is protecting investors. This bill protects banks from regulation. It does nothing for investors. In fact, it could hurt investors in the long term.

Chairman White has already committed to issuing rules in a thoughtful way that incorporates rigorous economic analysis, and she told us that yesterday.

The bill is also unnecessary. Regulating our financial sector and protecting American investors is a tall task as it is. We should be passing laws that make the SEC's job easier, not harder. We should be providing the SEC with the resources that it needs to do that job, and that's why I urge my colleagues to oppose today's legislation.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to myself.

I would like to do a little factual cleanup here, Mr. Chairman, on some things that my Democratic colleagues have said.

I believe I understood my friend, the gentlelady from Wisconsin, to say nowhere in this bill is the word ''benefits.'' First, I would say, number one, it is a 10-page bill, not a 2,000-page bill. And on the very first page, line 11, you read the word ''benefits.'' If you turn to page 2—not page 2,000—page 2, line 3: ''Utilize the Chief Economist to assess the cost and benefits.'' So let me correct that for the record.

Second of all, we had discussion about the failure of regulation and how this bill might lead to another Great Recession or financial crisis. I would point out to my friends that it was the failure to understand the cost of Fannie and Freddie, the failure to understand the cost of the affordable housing goals that put millions of our fellow citizens into homes that they could not afford to keep.

So maybe, just maybe, had this body and the other body realized the full cost of their folly and how it could not only bring this economy to its knees, that it could cause our fellow citizens to risk their meager lifesavings on homes they couldn't afford to keep, maybe had a cost-benefit analysis been in place at that time, we wouldn't have the suffering that we have today.

I would say to my friend from Connecticut, he is clearly talking to different economists and different job creators than I have because what I understand from them is that, frankly, we have trillions of dollars of capital sitting on the sidelines because of Dodd-Frank, because we have rulemaking that falls into two categories: those that create uncertainty and those that create certain harm.

Last, but not least, I actually have the numbers from CBO on the budget of the SEC. And I think if you examine them carefully, Mr. Chairman, you will discover that in a little over 10 years, this is an agency whose budget has increased 300 percent.

I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois, Representative FOSTER.

Mr. FOSTER. Mr. Chairman, I rise in opposition to this bill.

When my colleagues speak about the burdensome cost of regulations, I would like to remind them of the high cost of deregulation and inadequately funded regulators that we witnessed in 2008.

This bill would increase the operating costs of the SEC without any increase in the agency's budget. Just yesterday, the chairman of the SEC warned the Financial Services Committee that this bill would divert resources from enforcing investor protections. And last year, former-SEC Chairman Schapiro said that a nearly identical bill would ''significantly impede the SEC's ability to administer the securities laws.''

I would remind my colleagues that the failure to administer the security laws and regulate our financial system has cost us $16 trillion. That's the amount that families in America lost during the financial crisis. That is more than $50,000 for every man, woman, and child in the United States.

During the financial crisis, in the last 18 months of the Bush administration, the average American family lost a quarter of its net worth. Compare that to the onset of the Great Depression where families lost only about 12 percent of their net worth during a 5-year period. So by that measure, our last financial crisis was twice as big and twice as fast as the onset of the Great Depression.

But the cost of inadequate regulation does not stop there: $1.6 billion, that's the amount that disappeared from customer accounts at MF Global in 2011; $17 billion, that's the amount that in 2009 Bernie Madoff was convicted of scamming investors out of; $1 trillion, that's the amount of wealth that disappeared and reappeared in less than 20 minutes during the flash crash of 2010.

To put these figures in perspective, let's consider and compare them to bank robberies. Every year, banks lose $38 million to robberies; yet we spend $24 billion every year on armed guards, vault doors, and FBI investigations. So for bank robberies, we spend 600 times more on prevention than on actual losses. Just imagine if we applied that

same factor of 600 to investor losses from securities fraud and market manipulation. The budgets of our regulators would be hundreds of times larger than they are today. The cynic in me can only conclude that what's really going on here is that the bank robbers just have really crummy lobbyists.

But seriously, if we can spend 600 times the amount of actual losses to prevent bank robberies, why will my colleagues not support the President's request to spend one-ten-thousandth of the amount that families lost in the financial crisis on the SEC's annual budget?

I challenge my colleagues who support this bill to commit to supporting the President's request to increase the SEC's budget. I remind them again of the high cost of inaction which led to far too many of our constituents losing their homes, their retirement funds, and their small businesses a few years ago.

By shortchanging the security of our financial markets, my colleagues are endorsing the same irresponsible path.

I urge my colleagues to oppose this bill.

Mr. HENSARLING. Mr. Chairman, I now proudly yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Chairman, I rise today to support the SEC Regulatory Accountability Act of 2013.

The American economy is hurting, and what we need is less government standing in the way of the private sector, not more. This act will bring about some commonsense reforms by requiring the SEC to review existing regulations, as well as preventing new and unnecessary ones that would only continue to slow economic growth and hurt businesses and families.

With job growth struggling and our already having experienced several years of high unemployment, we've got to make certain that we're doing what we can to ensure that it's easier, and not harder, for businesses to hire again.

□ 1140

This act will do just that by first clearly defining the root of a problem before trying to implement perhaps unjust and redundant burdens on America's businesses.

This is an appropriate reform bill that should garner bipartisan support. The President's own Jobs Council has advocated regulatory reform by focusing on streamlining the current system for permitting projects that can create jobs. That Jobs Council understood that regulations involving the Federal, State, and local level can lead to a tangled web of red tape and cause a bureaucratic nightmare. The current system will only continue to stunt economic growth, and this act is a much-needed step in the right direction.

I would like to thank the gentleman from New Jersey, Chairman GARRETT, as well as the chairman of the Financial Services Committee, the gentleman from Texas, for their leadership on this issue.

Mr. Chairman, I strongly support the passage of the bill, and I urge my colleagues in the House to do so as well.

Ms. WATERS. I yield 3 minutes to the gentleman from Georgia (Mr. DAVID SCOTT).

Mr. DAVID SCOTT of Georgia. I thank Ranking Member WATERS for yielding.

Mr. Chairman, I rise today to join my colleagues in strong opposition to H.R. 1062, the SEC Regulatory Accountability Act.

Unfortunately, what we have before us today is nothing more than a thinly veiled attempt at paralyzing an agency under the guise of an otherwise worthy activity, which is cost-benefit analysis. Cost-benefit analysis is a good thing to do, but not under the terms of this bill.

Mr. Chairman, I don't think that there is anybody in this body who is opposed to an honest, open, balanced, thorough, and truly objective cost-benefit analysis in the rulemaking process. On the contrary, we all agree that it is essential for creating good policy, as I said. However, the regime established in this bill is nothing but. Rather, the assumptions which would be codified into statute by this bill are worded in such a way as to prejudice the outcome of the analysis toward the side of not regulating at all in nearly every circumstance.

And while some in this body may think that this is a good thing, ask the Americans who were victims of the latest financial meltdown, many of whom are still suffering because of it. Ask them what they think, because the SEC, Mr. Chairman, is currently required to balance protection of investors with the maintenance of effective and efficient markets. This bill would do away with that balance by focusing solely on the cost to the industry and investor choice. Nowhere in the bill is investor protection, which is a part of the SEC's core mission, even mentioned at all.

Moreover, I think it is crucial to point out that this bill does nothing to ease the strain on the SEC's resources. Instead, it exacerbates the problem by slapping the SEC with a huge new administrative responsibility, all while they are still working, curiously, to implement Dodd-Frank and the Jobs Act, without giving them the resources to accomplish the task.

How on Earth do my colleagues who support this bill think that the SEC can produce the type of analysis they're asking for—any analysis at all, for that matter—without the additional staff that even the CBO says they will be required to have? The problem is especially acute considering this bill would require going back and studying every rule in effect since the agency was first created way back in 1934. No other agency in the Federal Government is saddled with that kind of burden.

Mr. HENSARLING. Mr. Chairman, I yield myself 30 seconds to say to my friend from Georgia when he talks about the incredible burden of a retrospective look back, I would quote:

> Because considerations of efficiency and competition in capital formation evolve over time, a retrospective analysis of the Commission's rules and regulations is fully within the Commission's statutory mandate.

That comes from the ABA.

I would also quote this as well:

> The safety of workers' retirement savings that are invested in the capital markets depend in large part on the Commission's rules and regulations for the protection of the investors. To be effective, securities regulations must be continuously updated to address the emergence of new loopholes, abuses, and market failures.

AFL–CIO.

Mr. Chairman, how much time remains on both sides?

The CHAIR. The gentleman from Texas has 11½ minutes remaining. The gentlewoman from California has 10½ minutes remaining.

Mr. HENSARLING. I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington, Representative DENNY HECK.

Mr. HECK of Washington. I thank the ranking member.

Mr. Chair, I have a different take on this. I rise to oppose this bill not because it seeks to and would effectively undermine the ability of the SEC to function, although it certainly does that. Instead, I want to speak to those who are laboring under the impression that this is good legislation and are conservatives, because it is not good legislation, and it is not rooted in conservative principles.

Indeed, if red States tend to send more conservatives to this Chamber, then they would respect their conservatism by lighting up red, every one of them, when we get to final passage. Conservatives don't pass unnecessary legislation. And yesterday, when we had the privilege of having Mary Jo White, the new chair of the SEC before our committee, she was directly asked: Is this legislation necessary? She was unanimously confirmed, applauded by both sides of the aisle, all philosophies. She said:

> Not only is it unnecessary, it's undesirable.

Conservatives don't enact unfunded mandates on State governments or local governments or on Federal agencies. This is a massive unfunded mandate.

And finally, true conservatives and a lot of the rest of us seek commonsense regulatory relief, especially for community banks and credit unions, not additional unnecessary, unfunded regulatory activity.

You know, Mr. Chair, we have several regulatory relief bills before our committee, not yet scheduled, not yet

heard. Congresswoman CAPITO has H.R. 1553 to grant some regulatory relief to community banks and credit unions. Let's vote H.R. 1062 down and get on to the work of those bills and grant real regulatory relief if we seek to support the SEC in its mission to protect investors and promote fair, orderly, and efficient markets.

Mr. Chair, if you are a true conservative, you're going to vote ''no'' on H.R. 1062.

Mr. HENSARLING. Mr. Chairman, I would like to yield 1 minute to the author of the bill, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I was not going to speak again until, in fact, I was being lectured on what a true conservative is by the other side of the aisle, who gave us the over 2,000-page Dodd-Frank legislation that has in fact stymied the economy, despite what the gentleman from Connecticut was saying before, that is setting literally trillions of dollars on the side, not being invested; that the unemployment rate hovers at high levels because of this stagnation in the economy because of the legislation.

To the other side of the aisle, to define what a true conservative is, a true conservative would actually read the bill, as other Members of the other side of the aisle have not done. Those who could not find simple words such as ''benefit'' when it is listed many times, those who could not find the benefits to investors when it's listed multiple times. A true conservative would understand what they're talking about when they come to the floor, Mr. Chairman. A true conservative would do what's in the best interest of the economy, of the investor, of the job seekers of this country, as well. A true conservative would support this legislation.

□ 1150

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

First, I have a number of communications that I will insert into the RECORD.

I have a Statement of Administration Policy from the Executive Office of the President; I have American Federation of Labor and Congress of Industrial Organizations; I have Americans for Financial Reform; I have AFSCME; and I also have California Public Employees Retirement System, all in opposition to this bill, and asking us to please oppose the bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 15, 2013.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1062—SEC REGULATORY ACCOUNTABILITY ACT

(Rep. Garrett, R–NJ, and 23 cosponsors)

The Securities and Exchange Commission (SEC) plays a critical role in protecting Americans' investments for retirement, higher education, and other personal savings while ensuring strong, efficient, safe financial activity that contributes to the Nation's economic health and job creation. While the Administration is firmly committed to smart and effective regulations that advance statutory goals in the most cost-effective and efficient manner, the Administration opposes passage of H.R. 1062. By adding burdensome and disruptive new procedures, H.R. 1062 would impede the ability of the SEC to protect investors, maintain orderly and efficient markets, and facilitate capital formation.

The Administration believes in the value of cost-benefit analysis. However, H.R. 1062 would add onerous procedures that would threaten the implementation of key reforms related to financial stability and investor protection. H.R. 1062 would direct the SEC to conduct time- and resource-intensive assessments after it adopts or amends major regulations before the impacts of the regulations may have occurred or be known. The bill would add analytical requirements that could result in unnecessary delays in the rulemaking process, thereby undermining the ability of the SEC to effectively execute its statutory mandates.

The Administration is committed to a regulatory system that is informed by science, cost-justified, and consistent with economic growth. Through efforts including Executive Order 13579, ''Regulation and Independent Regulatory Agencies,'' the Administration is taking important steps to encourage independent agencies to follow cost-saving and burden-reducing principles in their reviews of new regulations, and to examine their existing rules to identify those that should be modified, streamlined, or repealed.

AMERICAN FEDERATION OF LABOR AND CONGRESS,
Washington, DC, May 6, 2013.

Hon. JEB HENSARLING,
Chairman, House Financial Services Committee, Rayburn House Office Building, Washington, DC.

Hon. MAXINE WATERS,
Ranking Minority Member, House Education and the Workforce Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HENSARLING AND RANKING MINORITY MEMBER WATERS: On behalf of the AFL–CIO, we urge you to oppose the ''Business Risk Mitigation and Price Stabilization Act'' (H.R. 634); the ''Inter-Affiliate Swaps Clarification Act'' (H.R. 677); the ''Swaps Regulatory Improvement Act'' (H.R. 992); the ''SEC Regulatory Accountability Act'' (H.R. 1062); the ''Swaps Jurisdiction Certainty Act'' (H.R. 1256): and the ''Financial Competitive Act'' (H.R. 1341) all scheduled for markup tomorrow. Each of these bills, if passed, would undermine the framework Congress put in place in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to prevent risky derivatives trading from contributing to another global financial crisis.

Reckless derivatives trading played a critical role in the 2008 financial crisis, turning the fallout from the crash of the domestic housing market into a global economic catastrophe. Whether measured in lost jobs and homes, lower earnings, eroding retirement security or devastated communities, working people paid a tremendous price for Wall Street's greed when the financial crisis hit.

The AFL–CIO strongly supports the common-sense protections put in place by Title VII of Dodd-Frank. Title VII creates basic structures that have existed in other, well-functioning financial markets for decades—clearinghouses to protect the safety and soundness of the market and its participants; exchanges and execution facilities to provide transparency; and business conduct standards to ensure that everyone plays fairly.

We oppose these bills because they would undermine the sensible framework for derivatives market regulation put in place by Dodd-Frank. One of these bills, H.R. 1062, would not only undermine derivatives regulation but would significantly undermine the SEC's ability to function by imposing substantial additional administrative burdens on the agency.

Less than five years have passed since the financial crisis wreaked havoc on the U.S. economy, yet Wall Street is back to raking in the profits while working people are struggling to get by. Now they are asking you to vote for bills that will allow them to return to the risky trading practices that caused the 2008 crisis.

We urge you to stand with the middle class and vote against these bills and preserve the basic derivatives market protections that Congress so sensibly put in place when it passed Dodd-Frank in 2010.

Sincerely,

WILLIAM SAMUEL, Director,
Government Affairs Department.

AMERICANS FOR FINANCIAL REFORM,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform, we are writing to express our opposition to HR 1062, the ''SEC Regulatory Accountability Act'' This legislation would imperil the implementation of many important financial regulatory rules by adding numerous unnecessary procedural requirements to rulemakings by the Securities and Exchange Commission (SEC).

The SEC is already required to conduct economic analysis on every rule it passes, and to examine the effect of its rulemakings on capital formation, market efficiency, and competition. This legislation would add a lengthy list of additional cost-benefit requirements to these existing requirements. The new requirements in HR 1062 include a requirement to separately analyze the costs and benefits of the entire set of ''available regulatory alternatives'' in addition to the costs and benefits of the actual rule being considered. Since this set of alternatives may contain numerous possibilities, this requirement alone could add dozens of analyses prior to any new rulemaking. Even beyond this massive new requirement, the legislation also specifies a long list of additional analyses to be performed in connection with any new rulemaking, including analyses of the effect of new rules on market liquidity, investor choice, state and local governments, and other entities.

The requirements in this bill would force the agency to measure costs and benefits of a new rule before that rule was even implemented or market data resulting from the rule was available. They also include enormously broad and vague mandates such as determining whether a regulation imposes the 'least burden possible' among all possible regulatory options. A court could overturn the SEC's decision in any case where it found any one of the numerous analyses required here to be inadequate. The vagueness of mandates like the 'least burden possible' means that court challenges or court decisions could rest on claims that are essentially speculative and theoretical. These new mandates would not improve the quality of the regulatory process; they would stop it in its tracks.

The lengthy list of new requirements in this bill is transparently intended to create roadblocks in the way of passing any investor protection rule. The effect would be to halt the process of implementing rules under the Dodd-Frank Act—and potentially also rulemakings under more recent laws such as

the JOBS Act. Indeed, HR 1062 would put significant pressure on the SEC to disregard congressional mandates by making the agency evaluate the need for regulations that Congress has unequivocally directed the SEC to write. Further, the numerous additional procedural and analytical requirements imposed by this bill come with no additional funding for the SEC. Asking the SEC to do so much more without additional resources would make the current regulatory delays at the SEC—evidenced by the numerous congressionally mandated deadlines it has missed—even worse.

Reforms that create accountability and transparency for Wall Street are crucial to the well-being of our financial markets and to the protection of investors and market participants. But they will also change a very profitable status quo that earns a small group of Wall Street banks many billions of dollars each year. Financial industry special interests have every interest in blocking change. This legislation is a toolbox that would allow them to use legal challenges to do so indefinitely.

According to polling data, over 70 percent of Americans favor stronger rules and enforcement for big Wall Street banks and the financial services industry. A large majority also favor the Dodd-Frank Wall Street Reform Act. In the face of the public's demand for change, Congress must reject legislation such as HR 1062, which, regardless of its intentions, would hamper effective oversight of our financial markets.

Thank you for your consideration. For more information please contact AFR's Policy Director, Marcus Stanley.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

FOLLOWING ARE THE PARTNERS OF AMERICANS FOR FINANCIAL REFORM

All the organizations support the overall principles of AFR and are working for an accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have signed on to every statement.

AARP; A New Way Forward; AFL-CIO; AFSCME; Alliance For Justice; American Income Life Insurance; American Sustainable Business Council; Americans for Democratic Action, Inc.; Americans United for Change; Campaign for America's Future; Campaign Money; Center for Digital Democracy; Center for Economic and Policy Research; Center for Economic Progress; Center for Media and Democracy; Center for Responsible Lending; Center for Justice and Democracy; Center of Concern; Center for Effective Government; Change to Win; Clean Yield Asset Management.

Coastal Enterprises Inc.; Color of Change; Common Cause; Communications Workers of America; Community Development Transportation Lending Services; Consumer Action; Consumer Association Council; Consumers for Auto Safety and Reliability; Consumer Federation of America; Consumer Watchdog; Consumers Union; Corporation for Enterprise Development; CREDO Mobile; CTW Investment Group; Demos; Economic Policy Institute; Essential Action; Greenlining Institute; Good Business International; HNMA Funding Company.

Home Actions,; Housing Counseling Services; Home Defender's League; Information Press; Institute for Global Communications; Institute for Policy Studies: Global Economy Project; International Brotherhood of Teamsters; Institute of Women's Policy Research; Krull & Company; Laborers' International Union of North America; Lawyers' Committee for Civil Rights Under Law; Main Street Alliance; Move On; NAACP; NASCAT; National Association of Consumer Advocates; National Association of Neighborhoods; National Community Reinvestment Coalition; National Consumer Law Center (on behalf of its low-income clients); National Consumers League; National Council of La Raza; National Council of Women's Organizations; National Fair Housing Alliance.

National Federation of Community Development Credit Unions; National Housing Resource Center; National Housing Trust; National Housing Trust Community Development Fund; National NeighborWorks Association; National Nurses United; National People's Action; National Urban League; Next Step; OpenTheGovernment.org; Opportunity Finance Network; Partners for the Common Good; PICO National Network; Progress Now Action; Progressive States Network; Poverty and Race Research Action Council; Public Citizen; Sargent Shriver Center on Poverty Law; SEIU; State Voices; Taxpayer's for Common Sense; The Association for Housing and Neighborhood Development; The Fuel Savers Club; The Leadership Conference on Civil and Human Rights; The Seminal; TICAS; U.S. Public Interest Research Group; UNITE HERE; United Food and Commercial Workers; United States Student Association; USAction; Veris Wealth Partners; Western States Center; We the People Now; Woodstock Institute; World Privacy Forum; UNET; Union Plus; Unitarian Universalist for a Just Economic Community.

LIST OF STATE AND LOCAL AFFILIATES

Alaska PIRG; Arizona PIRG; Arizona Advocacy Network; Arizonans For Responsible Lending; Association for Neighborhood and Housing Development NY; Audubon Partnership for Economic Development LDC, New York NY; BAC Funding Consortium Inc., Miami FL; Beech Capital Venture Corporation, Philadelphia PA; California PIRG; California Reinvestment Coalition; Century Housing Corporation, Culver City CA; CHANGER NY; Chautauqua Home Rehabilitation and Improvement Corporation (NY); Chicago Community Loan Fund, Chicago IL; Chicago Community Ventures, Chicago IL; Chicago Consumer Coalition; Citizen Potawatomi CDC, Shawnee OK; Colorado PIRG; Coalition on Homeless Housing in Ohio; Community Capital Fund, Bridgeport CT; Community Capital of Maryland, Baltimore MD.

Community Development Financial Institution of the Tohono O'odham Nation, Sells AZ; Community Redevelopment Loan and Investment Fund, Atlanta GA; Community Reinvestment Association of North Carolina; Community Resource Group, Fayetteville A; Connecticut PIRG; Consumer Assistance Council; Cooper Square Committee (NYC); Cooperative Fund of New England, Wilmington NC; Corporacion de Desarrollo Economico de Ceiba, Ceiba PR; Delta Foundation, Inc., Greenville MS; Economic Opportunity Fund (EOF), Philadelphia PA; Empire Justice Center NY; Empowering and Strengthening Ohio's People (ESOP), Cleveland OH; Enterprises, Inc., Berea KY; Fair Housing Contact Service OH; Federation of Appalachian Housing; Fitness and Praise Youth Development, Inc., Baton Rouge LA; Florida Consumer Action Network; Florida PIRG; Funding Partners for Housing Solutions, Ft. Collins CO; Georgia PIRG; Grow Iowa Foundation, Greenfield IA; Homewise, Inc., Santa Fe NM; Idaho Nevada CDFI, Pocatello ID.

Idaho Chapter, National Association of Social Workers; Illinois PIRG; Impact Capital, Seattle WA; Indiana PIRG; Iowa PIRG; Iowa Citizens for Community Improvement; JobStart Chautauqua, Inc., Mayville NY; La Casa Federal Credit Union, Newark NJ; Low Income Investment Fund, San Francisco CA; Long Island Housing Services NY; MaineStream Finance, Bangor ME; Maryland PIRG; Massachusetts Consumers' Coalition; MASSPIRG; Massachusetts Fair Housing Center; Michigan PIRG; Midland Community Development Corporation, Midland TX; Midwest Minnesota Community Development Corporation, Detroit Lakes MN; Mile High Community Loan Fund, Denver CO; Missouri PIRG; Mortgage Recovery Service Center of L.A.; Montana Community Development Corporation, Missoula MT.

Montana PIRG; Neighborhood Economic Development Advocacy Project; New Hampshire PIRG; New Jersey Community Capital, Trenton NJ; New Jersey Citizen Action; New Jersey PIRG; New Mexico PIRG; New York PIRG; New York City Aids Housing Network; New Yorkers for Responsible Lending; NOAH Community Development Fund, Inc., Boston MA; Nonprofit Finance Fund, New York NY; Nonprofits Assistance Fund, Minneapolis M; North Carolina PIRG; Northside Community Development Fund, Pittsburgh PA; Ohio Capital Corporation for Housing, Columbus OH; Ohio PIRG; OligarchyUSA; Oregon State PIRG; Our Oregon; PennPIRG; Piedmont Housing Alliance, Charlottesville VA; Michigan PIRG.

Rocky Mountain Peace and Justice Center, CO; Rhode Island PIRG; Rural Community Assistance Corporation, West Sacramento CA; Rural Organizing Project OR; San Francisco Municipal Transportation Authority; Seattle Economic Development Fund; Community Capital Development; TexPIRG; The Fair Housing Council of Central New York; The Loan Fund, Albuquerque NM; Third Reconstruction Institute NC; Vermont PIRG; Village Capital Corporation, Cleveland OH; Virginia Citizens Consumer Council; Virginia Poverty Law Center; War on Poverty—Florida; WashPIRG; Westchester Residential Opportunities Inc.; Wigamig Owners Loan Fund, Inc., Lac du Flambeau WI; WISPIRG.

SMALL BUSINESSES

Blu; Bowden-Gill Environmental; Community MedPAC; Diversified Environmental Planning; Hayden & Craig, PLLC; Mid City Animal Hospital, Phoenix AZ; The Holographic Repatterning Institute at Austin; UNET.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,

Washington, DC, May 15, 2013.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose the ''SEC Regulatory Accountability Act'' (H.R. 1062).

H.R. 1062 adds duplicative and unnecessary procedural requirements to SEC rulemaking and thereby delays and undermines the implementation of protections over America's financial markets. It weakens sensible safeguards enacted in the Dodd-Frank financial reforms, which Congress specifically designed to address the causes of the worst financial crises since the Great Depression. America is still recovering from the loss of 8 million jobs, sharply reduced housing prices and personal savings, and nationwide economic stagnation. Tens of millions of affected Americans demand stronger—not weaker—government protections over their investments, America's financial system, and our common economic future.

The SEC's current rulemaking process is already rigorous and thorough. They already are required to review the impact of rulemaking on capital formation, market efficiency, and competition; and to analyze the economics of its finalized rules. H.R. 1062 would move far beyond constructive analysis by requiring the SEC's final rule to list the

reasons it did not incorporate specific industry group concerns related to potential costs or benefits. H.R. 1062 also requires the SEC to ''assess the costs and benefits of available regulatory alternatives'', which likely involves a vast array of options of marginal utility and will result in considerable delay. Furthermore, within one year of enactment, H.R. 1062 would require the SEC to evaluate each and every one of its regulations for potential revision and implement this 100% review every five years thereafter. Despite these new burdens, H.R. 1062 fails to provide even one penny of additional funding. Rather than delaying the SEC's regulatory process under the guise of enhanced cost-benefit analysis, Congress should strengthen the SEC's process by investing additional resources to enhance expertise and effectiveness.

H.R. 1062 is simply another attempt to delay and defund federal oversight of America's financial system and federal protection of middle-class consumers and investors. AFSCME urges you to oppose this legislation and vote no on H.R. 1062.

Sincerely,

CHARLES M. LOVELESS,
Director of Federal Government Affairs.

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, INVESTMENT OFFICE,
Sacramento, CA, May 15, 2013.

Subject CalPERS Concerns with HR 1062

Members of the California Delegation,
House of Representatives, Washington, DC.

DEAR MEMBERS OF CONGRESS: On behalf of the California Public Employees' Retirement System (CalPERS), I am writing to express our strong concerns about the ''SEC Regulatory Accountability Act'' (HR 1062).

As the largest public pension fund in the United States, with approximately $265 billion in global assets providing retirement security to more than 1.6 million public workers, retirees, their families, and beneficiaries, CalPERS is reliant upon effective and comprehensive market regulation designed to protect investors.

This legislation would threaten the efficient implementation of many important financial regulatory rules by imposing unnecessary requirements upon the Securities and Exchange Commission (Commission).

Although the Commission is already required to conduct economic analysis on every rule it adopts and to examine the effect of its rulemakings on capital formation, market efficiency, and competition, HR 1062 would create additional hurdles for the Commission. These include a requirement to analyze the costs and benefits of all ''available regulatory alternatives'' in addition to those of the underlying rule. This could require scores of additional, unnecessary economic analyses on hypothetical alternatives that are not before the Commission.

The proposed legislation would require the Commission to determine whether a regulation imposes the 'least burden possible' among all possible regulatory options—a virtual impossibility that would open up the Commission to legal challenges and competing economic analyses. Moreover, HR 1062 would require the Commission to defend every estimate and assumption before the DC Circuit and a failure to satisfy even one tangential analysis would threaten the validity of an otherwise reasonable regulation.

We fear the requirement to create a myriad of new economic analyses is intended to derail the efforts of the Commission to implement important legislation like the Dodd-Frank Wall Street Reform and Consumer Protection Act while its opponents continue to attempt to repeal or significantly water down important investor protections.

To be clear, long-term investors like CalPERS benefit from a strong economy and understand the motivations of those who say that excessive regulation can impose a drag on the economy. However, we believe that having a robust financial regulatory system helps create confidence in our financial markets and encourages investments that help grow the economy.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me or Don Marlais of Lussier, Gregor, Vienna & Associates—our federal representatives.

Sincerely,

ANNE SIMPSON,
Senior Portfolio Manager, Investments, Director of Global Governance.

CONSUMER FEDERATION OF AMERICA,
May 16, 2013.

VOTE ''NO'' ON H.R. 1062

BILL WOULD HAMSTRING THE SEC AND IMPEDE FINANCIAL REFORM

DEAR REPRESENTATIVE: I am writing on behalf of the Consumer Federation of America (CFA) to express our strong opposition to H.R. 1062, the ''SEC Regulatory Accountability Act,'' which is scheduled to come to the House floor for a vote tomorrow. H.R. 1062 is a regulatory ''accountability'' act only if you believe that the SEC's primary accountability should be to the securities firms it is supposed to regulate rather than to the public it is supposed to protect. At a time when the agency is already years behind schedule in implementing rules to address root causes of the financial crisis, and months past key deadlines for JOBS Act implementation, this bill would further slow the already glacial regulatory process and further empower Wall Street interests to derail needed reforms.

H.R. 1062 fails its own cost-benefit test. To begin with, its sponsors have failed to identify a problem in need of a legislative solution. The SEC already conducts economic analyses of its rules and is held to a very high standard by the courts in conducting that analysis. When the agency fails to meet that standard, industry groups have had no trouble over-turning its rules in court. Moreover, since the court overturned the proxy access rule, the SEC has adopted a new set of guidelines to ensure that its analysis meets the rigorous standard set in that court ruling. Those guidelines have been praised by the Government Accountability Office and by members of the House who have in the past been most critical of the SEC's cost-benefit analysis.

H.R. 1062's sponsors also appear to have ignored the significant costs of its proposed approach. The Congressional Budget Office recently estimated that the bill would cost $23 million to implement. But this considerable sum covers only the cost of conducting the required cost-benefit analysis. It does not appear to include the significant additional legal costs the agency would face if this bill were to become law. One of the primary effects of this legislation would be to provide a whole new set of tools that industry groups could use to mount a legal challenge against rules that they oppose. In addition to further slowing the regulatory process, this would impose significant additional costs on the agency that are not accounted for in the CBO estimate or acknowledged by the bill's authors.

These costs would arise without providing additional benefits. Far from improving regulations, the most likely effect would be to further intimidate an agency that is already far too reluctant to stand up to powerful Wall Street interests. And, unless Congress were to appropriate the additional funds needed to meet these costs, they would come at the expense of other important regulatory priorities—providing enhanced oversight of investment advisers, addressing market structure concerns, dealing with high frequency trading, or finalizing the Dodd-Frank and JOBS Act rules that are already so far behind schedule, to name just a few.

This is an ill-conceived bill that would make it more difficult for the SEC to fulfill its mandate to protect consumers, promote market integrity, and facilitate capital formation. We urge you to vote no on H.R. 1062.

Respectfully submitted,

BARBARA ROPER,
Director of Investor Protection.

NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, May 6, 2013.

Re SEC Regulatory Accountability Act (H.R. 1062)

Hon. JEB HENSARLING,
Chairman, House Financial Services Committee, Rayburn House Office Building, Washington, DC.

Hon. MAXINE WATERS,
Ranking Member, House Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HENSARLING AND RANKING MEMBER WATERS: On behalf of the North American Securities Administrators Association (NASAA), I am writing to express my opposition to H.R. 1062, the ''SEC Regulatory Accountability Act.'' This legislation would establish a significant number of additional cost-benefit analyses that the U.S. Securities and Exchange Commission (SEC) would be required to complete when issuing a new regulation. The burdensome new requirements enumerated in the bill will not only substantially impede the ability of the SEC to conduct rulemaking, but will also create standards that could conflict with the SEC's investor protection mission.

Rulemaking processes to which the SEC and other federal regulators must adhere are set forth in the Administrative Procedure Act (APA) and other statutes. These processes require regulators engaged in rulemaking to perform economic and cost-benefit analyses of their proposed rules to ''determine as best [as they] can the economic implications of the rule,'' and ''examine the relevant data and articulate a satisfactory explanation for [their] action, including a rational connection between the facts found and the choices made.'' In addition to such mandates arising under the APA, the SEC has a unique obligation to consider the effect of a proposed rule upon ''efficiency, competition, and capital formation,'' and it has recently issued guidance to its rule writing staff on conducting proper economic analyses.

H.R. 1062 would require the SEC to conduct new and unreasonably extensive analyses prior to issuing a regulation. The SEC would be permitted to adopt a rule only upon a ''reasoned determination'' that the rule's benefits justify its costs. The SEC must determine, and measure, the effectiveness of a rule even prior to its adoption and without assessing its ultimate impact on investor protection (which may not be easily quantifiable). The bill also requires the SEC to consider an unduly broad range of considerations before issuing a rule that are much more expansive, and in certain cases, vague than is currently required.

Upon issuing a final rule, H.R. 1062 requires the SEC to provide an explanation of the comments it received, and notably, requires the SEC to explain why ''industry group concerns'' were not incorporated in the final

rule. Although the bill explicitly mandates that the SEC address industry concerns, however, it does not contain a similar mandate for consumer or investor protection group concerns. This omission is arguably in direct conflict with the investor protection mandate of the SEC. Finally, the bill subjects the SEC to an ongoing assessment of any rules that are ''outmoded, ineffective, insufficient, or excessively burdensome''—a list that could require the SEC to reexamine all of its existing rules.

State securities regulators appreciate the importance of the rigorous regulatory cost-benefit and cost-effectiveness analyses to which independent agency rules are subjected. The SEC is already subject to extensive and exacting cost-benefit analysis standards, and the new analytical hurdles imposed by H.R. 1062 could have a detrimental effect on the SEC's ability to meet its regulatory mandate. Moreover, the costs of such additional hurdles (i.e., rulemaking delays, increased staffing demands, and additional taxpayer dollars) will likely outweigh the intended benefit that the expanded analyses are intended to provide.

NASAA is also concerned that misuse of these analyses could severely impair the ability of the SEC to conduct efficient, effective and timely rulemaking including rules required under the recently enacted JOBS Act, long overdue rulemaking mandated by the Dodd-Frank Act, and any future rules designed to protect investors and the public. The unintended consequence of H.R. 1062, if enacted, would be the derailment of important investor protections that are essential to a robust and stable capital marketplace.

In view of the bill's burdensome cost-benefit analysis requirements, and harm that it may cause on the investing public, I respectfully urge you not to support H.R. 1062. Thank you for your consideration of my concerns. If you have any questions, please feel free to contact Michael Canning, Director of Policy, or Anya Coverman, Deputy Director of Policy, at the NASAA Corporate Office at (202) 737–0900.

Sincerely,

A. HEATH ABSHURE,
NASAA President and Arkansas Securities Commissioner.

Mr. Chairman and Members, a lot has been said in this debate. A lot has been said about what this bill is and what it is not, and I'd like to clear up a few of the points.

First of all, before I go into clearing up some of these points, there's been, I guess, some back and forth here about what is and what is not a conservative. And I've always thought that the conservatives fashioned themselves as saving money and reducing bureaucracy, rather than creating legislation that costs more money and creates bureaucracy. So I guess today we see that perhaps I was wrong about what I thought a real conservative was.

Let me go on to talk about the Republicans claiming that they're just codifying the President's executive order for more cost-benefit analysis. In fact, H.R. 1062 goes above and beyond the executive order by requiring the SEC to review all of its regulations, even those dating back to the Great Depression, within 1 year, and then every 5 years after that. More bureaucracy, more money.

While the executive order protects agencies from litigation over their economic analysis, H.R. 1062 would give Wall Street lobbyists and traders dozens of new avenues to sue the SEC over every rulemaking. Not only did they go into the courts on proxy access; there are two other bills and I understand more that they're planning. It will cost the SEC more money to deal with this litigation and this bureaucracy.

Importantly, H.R. 1062 would create confusion for the SEC because the bill requires the SEC to write rules that maximize the benefits, even when Congress tells them otherwise.

H.R. 1062 is not codifying the executive order but is, instead, aimed squarely at undermining Wall Street's cop on the block. In writing the rules, the SEC is required to balance both investor protection and capital formation. One cannot take precedence over the other.

I've heard a lot of talk about capital formation here today. But they, in bringing this bill to the floor, are creating more bureaucracy and piling up more burdens and responsibility so that they impede the ability to do real capital formation.

And so, in addition to easing the ability of small companies to enter the public markets, the SEC has done much to make it easier for companies to raise the money they need privately.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I'm under the impression I have the right to close, so the gentlelady has reserved. I will reserve until she is ready to close.

Ms. WATERS. Mr. Chair, how many minutes do I have left?

The CHAIR. The gentlewoman from California has 6 minutes remaining.

Ms. WATERS. I yield myself the balance of the time.

In closing, allow me to quote one of the Financial Services Committee members in a hearing yesterday, because I think it is so important for us to understand that the SEC is our cop on the block that has the responsibility for protecting investors.

Let us understand that my colleagues on the opposite side of the aisle are opposed to the SEC having an adequate budget. They do everything that they can to cut the budget, to deny the resources; but they keep adding on additional responsibilities, recognizing that the SEC has a tremendous load. Not only do they have all of the work, the cost-benefit analysis that they do on everything, but they have the responsibility of rulemaking for all of Dodd-Frank, which is the reform legislation that will cause us to eliminate risk and to protect our constituents and the citizens of this country.

But let me just say that yesterday, during a Financial Services Committee hearing, Chairman Emeritus SPENCER BACHUS said that it would be penny-wise and pound foolish for there not to be a bipartisan agreement for raising the funding or increasing the funding for the SEC.

And I think that's important to get out there. They need more resources; and while we have this bill that's costing them more money to simply implement what they would like to do in H.R. 1062, they oppose giving additional resources.

In addition to that, let's talk about this court action. We mentioned early on that the SEC had been taken to court on proxy access. What are we talking about?

We're talking about the fact that the institutional investors, the ones who are responsible for investing the money so that the workers, the public workers, the firemen, the police, the teachers, all can have adequate retirement. And so our institutional investors wanted very much to ensure that the companies that they're investing in are managing these funds well, and they simply wanted the ability to place proxy access into the proxy materials so that they could nominate directors to the board to make sure that they're overseeing the money for all of our first responders and our employees.

Well, my friends on the opposite side of the aisle teamed with Wall Street and they went to court and they made this big case, and it was right here in Washington, D.C., in the district court. And they got an opinion. They got a ruling.

And so the SEC went back and it said, basically, to everybody, all of its employees, what have you, let's do even more. And on top of them not only saying let's do more and instruct the employees to do more, then they come with this bill and want to put more on top of that.

This is not about those people that Mr. HENSARLING referred to around the kitchen table talking about jobs. This is about protecting Wall Street. This is about tying up the SEC. This is about making sure the SEC is not able to carry out its responsibilities.

This, again, is about putting us all at risk. This is about not being about the investors, but being about the markets. This, again, is about protecting those who really need no protection, those who placed us at risk to begin with, those who not only placed us at risk, but would do it again if we allow them to do it.

I don't know why my friends on the opposite side of the aisle would be opposed to something like proxy access and then lined up in the courts again with other litigation, litigation that's going to take away precious dollars from the SEC that they need to protect us, to protect the investors.

But, no, they come to this floor and they simply describe this bill in ways that it really is not. This is dangerous, it is irresponsible, it is not something that the people of this country would expect of people that they sent to Congress to represent them.

This, again—and we'll say it over and over again as it has been said by so many who have come here and testified today on this side of the aisle—this is about protecting Wall Street. This is about protecting those who simply

want to find ways to keep the SEC from stopping them in their rulemaking from doing things that will be harmful to the American public.

And so, Mr. Chairman and Members, I say to you we should all stop and think about this. And for all those who are listening, all of the Members on both sides of the aisle, we should think about our responsibility here today and understand what this bill is all about and vote ''no,'' a resounding ''no'' on this bill.

Let us make sure that people are not saying a few years from now, oh, I'm sorry. I made a mistake. I should not have tied the hands of the SEC. I should have been more careful. I should not have listened to what was being said by the very people who caused us the problem in the first place.

I think if our Members stop and they listen and they pay attention that they're going to oppose this bill, even some on the opposite side of the aisle. And I think some of them know this. They know that they're being asked to support something that may not be in the best interest of their constituents, but they might want to go along with the leadership.

But it's not time to go along with the leadership. It's time to be independent. It's time to look at the facts and vote ''no'' on this bill.

I yield back the balance of my time.

□ 1200

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from Texas has 10½ minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of the time, although I will alert my colleagues I do not intend to take it all.

Mr. Chairman, I find it somewhat interesting the great amount of wailing and gnashing of teeth that we have heard on this House floor for a very simple bill that weighs in at, frankly, less than 10 pages that simply requires a government agency to decide is there going to be a cost to our economy, is there going to be a loss of jobs as they pass a rule. It doesn't overturn their rules. It just says, before you make a rule, you've really got to think about kitchen-table economics. You've got to take a look at and understand how will this ultimately impact hardworking Americans who are struggling to pay their health care bills, struggling to put gas in the tank and who have economic insecurity due to this economy.

So I've heard a lot of furor here. I must admit I'm particularly entertained by those who care to lecture me on what it means to be a conservative. Maybe I'm not the world's expert, but there was a time in my career my fellow colleagues elected me the chairman of the Conservative Caucus of the House, known as the Republican Study Committee. And, Mr. Chairman, I have a certificate in my office that I proudly display from the Americans for Democratic Action where they say Congressman HENSARLING receives a zero percent liberal rating.

So I will certainly agree with my friends that, apparently, I don't know much about liberalism, but I do think I do know a few things about conservatism. So I'll come up with an informal agreement. We'll let you be the experts on what it means to be a liberal—and you're very good at it, to the best of my knowledge—and I will retain the expertise on how one votes conservative.

The next thing I would say, Mr. Chairman, is how fascinating it is to have so many of my colleagues say that this bill, on the one hand, is unnecessary, but, on the other hand, it's burdensome; on the one hand, it's redundant, but, on the other hand, it will stop the SEC in its tracks. Mr. Chairman, I just don't think you can quite have it both ways.

I notice when some can't argue the merits of a question, they tend to come up to question one's motivation, and we've got the usual Wall Street bogeymen to come in here. But what I want to know about is why, why would we not want to know, as some have estimated, that the Volcker rule promulgated by the SEC potentially could cost 1.1 million jobs in our Nation? And yet my colleagues from the other side of the aisle say, Shh, no, no, no, no, no. We don't want this information. We don't want it out. Just like we didn't want out the information that ObamaCare could cost us 1 million jobs.

And we see it every day. We get the headlines: people can't afford their health care, their premiums have gone up; people are getting laid off; people who had full-time jobs are going to part-time; and people who would have hired more people don't want to cross that 50-person threshold. And that's just ObamaCare. But, no, shh, we don't want—we don't want to know how this is going to impact hardworking Americans who have economic insecurity, millions who do not have jobs.

I am somewhat perplexed, Mr. Chairman, how such a simple bill that says all you've got to do is look at the cost—we're not imposing our numbers on them. We're just saying you've got to look at the cost of what you do. It's what families do; it is what job creators do; and, frankly, it's what the administration claimed they wanted to do, and it's what the SEC claimed they wanted to do.

How many of my Democratic colleagues with their words say ''yes'' but very soon with their voting card are going to say ''no''? No, we shouldn't know the cost of rulemaking. No, we just want to know what bureaucrats say the benefits are. But, you know, if people lose their jobs, well, que sera, sera. We just aren't going to—we don't want to know that ahead of time. Maybe we'll learn about it afterwards. Maybe we'll try to clean up the pieces, the shattered lives of people who lost their jobs.

Mr. Chairman, this is a false dichotomy set up by many of my colleagues on the other side of the aisle. The question is not between regulation and deregulation. The question is between smart regulation and dumb regulation. And smart regulation requires the rule makers to understand the cost of their rules to the average, hardworking American family. That's smart regulation. Dumb regulation is burying your head in the sand and saying, no, we don't want to know.

If we're so concerned about the burden on the SEC, if we're so concerned about the litigation burden, and if we're so concerned about the work burden and the rule burden, where's this same concern for the job creators of America? Where is that concern? You cannot help the job seeker by punishing the job creator, which is what so many of the different titles of Dodd-Frank do.

So at the end of the day, Mr. Chairman, this is as simple and as common sense as it could be. If you're going to pass a rule and you're going to tell us about the benefits, you've got to let us know what the costs are to the economy and to hardworking American families. It's common sense. We should adopt it. We should adopt it today.

I yield back the balance of my time.

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 1062, the SEC Regulatory Accountability Act.

Today we are considering another in a long line of Republican bills that wish to supplant public interest considerations at regulatory agencies with cost-benefit analysis. H.R. 1062 would require the Securities and Exchange Commission, SEC, to perform a cost-benefit analysis when conducting new rulemakings. The bill would also mandate a cost-benefit review of existing SEC rules every five years without appropriating additional funds to that agency to do so. The net effect will be a regulatory agency tied in knots and incapable of carrying out the mission it was chartered to do: protect investors from fraud.

Mr. Chair, my father helped charter the SEC because Wall Street nearly destroyed this country's economy in 1929. After years of Republican-led efforts at deregulation, Wall Street came close to doing that again in 2007 and 2008, and we are only now starting to recover from that calamity. It grieves me that the House continues to consider legislation that hamstrings the very agency meant to protect hard-working Americans from the types of rascality to which Wall Street seems inclined by nature.

I urge my colleagues not to repeat the past. Vote down this terrible bill and show you stand with the people, not Wall Street.

Mr. MARKEY. Mr. Chair, I rise today in opposition to this bill, H.R. 1062, the so-called SEC Regulatory Accountability Act.

This bill provides an extremely detailed list of factors that the Securities and Exchange Commission (SEC) will have to consider from now on in its rulemakings: every available alternative to a proposed regulation, market liquidity in the securities markets, and even whether the regulation "is tailored to impose the least burden on society, including market

participants, individuals, businesses of differing sizes, and other entities (including State and local governmental entities).''

Yet, I notice that one phrase is missing from this list: investor protection.

Back in 1937, then SEC Chairman, and later Supreme Court Justice, William O. Douglas noted that:

> We have got brokers' advocates; we have got Exchange advocates; we have got investment banker advocates; and WE are the investor's advocate.

That historically always has been the role of the SEC—to serve as the investor's advocate in our nation's securities markets. That is why Congress established the SEC, and why Congress has expanded its duties and responsibilities over the years. The goal of investor protection was similarly an animating force behind Democrats' efforts in the 111th Congress to enact the Dodd-Frank Wall Street Reform Act. Any bill that asks the SEC to look at myriad factors when developing regulations but not investor protection is off-course from the starting block. It's a bill whose compass is broken.

Yet, this is not just a bad bill. It's an unnecessary bill. Back in 1996, during the first Congress under Republican control in forty years, Democrats and Republicans came together to enact the National Securities Markets Improvement Act of 1996. This bill was authored by a conservative Republican from Texas (Rep. Fields), and supported by the then Chairman of the Committee (Mr. Bliley of Virginia). It was also supported by the Ranking Democrat of the Committee (Mr. DINGELL) and myself. As I said at the time, ''when the history of this Congress is written, there is no question that this securities overhaul and the telecommunications overhaul will be at the top of the list in terms of constructive, productive use of this Congress.'' Among the reforms in this bipartisan bill was a requirement that: ''Whenever pursuant to this title the Commission is engaged in rulemaking, or in the review of a rule of a self-regulatory organization, and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.''

The 1996 Act, which is current law, therefore makes sure that the SEC already is required to consider impacts on efficiency, competition and capital formation whenever it utilizes its inherent rulemaking powers to determine if an action is in the public interest.

But part of the deal that we reached back then on a bipartisan basis was that such an analysis could not be utilized to override the primary goal of the federal securities laws: investor protection. I see no reason why this House should throw out a good, bipartisan law for a clearly inferior update.

Yet, it is worth asking: given the requirements of existing law, exactly what purpose does this bill before us today actually serve?

I believe that this question has only one answer: to tie the SEC's hands and make it effectively impossible to release rules that help protect investors from depredations of rogue traders or dishonest Wall Street brokers. When Democrats in Congress enacted Dodd-Frank in 2010, we frequently included in that Act mandates that the SEC and other agencies issue various specific rules to regulate Wall Street. In many cases, Congress effectively gave the SEC a full, detailed directive for regulatory action and simply ordered the SEC to implement it. An example of this process can be found in Dodd-Frank Section 1504, which mandated in great detail how the SEC should promulgate a rule to require that companies disclose in their annual securities filings any payments they made to governments in connection with natural resource extraction projects. Notably, in many of those Dodd-Frank rules, Congress did not ask the SEC to consider the costs and benefits of a rule, because we in Congress already did so during the legislative process.

This bill makes that kind of legislating impossible. If this bill becomes law, any rulemaking mandated by Congress must receive cost benefit analysis, and if the costs are deemed by the SEC to outweigh the benefits, the rulemaking cannot be released.

And such outcomes—which should really be called agency vetoes, because they allow an agency to override a congressional mandate—are likely to happen because of the unfair playing field this bill sets up. Under this bill, the SEC will always have to consider the monetary costs to firms and liquidity, but the more amorphous dangers of not regulating—the risk of market crashes, the risk of bubbles, the risk of financial crises—are much harder to estimate. And even if the SEC does manage to get a good rule, by ordering the SEC to create an established record of why the options not taken might also be worthwhile, this bill forces the SEC to create a blueprint for Wall Street firms to fight the regulation in court. This bill will make what is already a difficult fight to protect Main Street from Wall Street even harder.

One thing is certain—this bill strongly biases the SEC against any regulation to protect investors regardless of the issue, and at a time where the American People are crying out for more regulations on Wall Street, not less. We need to ensure that the SEC continues to be the ''Investors'' Advocate.'' I therefore strongly urge my colleagues to vote no on this bill.

Mr. VAN HOLLEN. Mr. Chair, as someone who believes the federal government has a responsibility to set and enforce clear and transparent rules of the road for our markets to operate fairly, efficiently and effectively, I believe conducting cost-benefit analysis of proposed regulations is both appropriate and necessary. Moreover, I think rules and regulations should be periodically reviewed—and eliminated or modified where needed—to ensure our markets are functioning optimally.

If that's what this legislation was about, it would have my support. It's not—which is why I will be opposing H.R. 1062 today.

Although you wouldn't know it from listening to my colleagues on the other side of the aisle, the Securities and Exchange Commission already performs—and is already required to perform—extensive economic analysis regarding the regulations it promulgates, including rigorous cost-benefit analysis. Furthermore, in addition to protecting investors, SEC rulemakings are also already required to ''promote efficiency, competition and capital formation.'' Indeed, entities ranging from the Chamber of Commerce to the Government Accountability Office have all recently validated the SEC's current staff guidance in this regard.

Unfortunately, rather than promoting clear and transparent rules of the road, arrived at through rigorous cost-benefit analysis, today's legislation is very plainly an effort to do the opposite—to block even the most carefully considered regulation by creating a ''paralysis of analysis'' at the Securities and Exchange Commission in order to undermine the Dodd-Frank Wall Street Reform law.

Mr. Chair, it was the absence of clear and transparent rules of the road that precipitated the Great Recession, and now that the economy has finally begun to heal, we are simply not going back to the conditions that created the crisis in the first place.

I urge a no vote.

Mr. BLUMENAUER. Mr. Chair, as an administrator and policymaker at the local, state, and federal levels, I have often seen the value of common-sense regulations. I have also seen the challenges associated with cumbersome regulations that can appear to be bureaucracy at its worst. While I am very open to discussing how we can make regulations more effective and efficient, I am extremely disappointed with the anti-regulatory agenda of the House leadership prevalent last Congress and again reflected this year in H.R. 1062, the SEC Regulatory Accountability Act.

H.R. 1062 would require the Securities and Exchange Commission, SEC, to add burdensome new procedures to regulatory processes that would unnecessarily delay the rulemaking process and consumer resources better directed to protecting consumers and ensuring a robust and effectively-regulated financial market.

I supported the passage of the Dodd-Frank Wall Street Reform Act to rein in Wall Street, end taxpayer bailouts of big banks, and protect consumers. Under this Act, the SEC was charged with regulating a number of previously unregulated or under-regulated Wall Street and financial service sector activities that led in large part to the 2008 crisis. This is a hugely important job. Putting an additional layer of bureaucracy on the rulemaking process will not benefit the American people or our economy.

It's time for Congress to move beyond a debate about repealing or preventing regulations and focus instead on how to make them more effective and efficient. I oppose this bill because—despite its title—it will slow the process of putting in place effective financial regulations.

Mr. HOLT. Mr. Chair, I rise today in strong opposition to H.R. 1062, which should be called the ''Wall Street Protection Act.'' The intent of this legislation is to cripple the ability of the U.S. Securities and Exchange Commission, SEC, to do its job—to create rules which protect investors. The SEC is already federally mandated to conduct analyses of their proposed regulations. The hurdles set by this legislation are unrealistic and duplicative. Even worse, this legislation would create an environment with less effective regulations, leaving average American investors on their own. The cost to individual families and to our economy from unregulated misbehavior and malfeasance in our financial industries is high.

This Congress should not continue to waste time padding the pockets of Wall Street executives. Instead, this Congress needs to take action on today's real issues: creating jobs, encouraging Americans to make investments in their retirements, and protecting middle class families and consumers.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–10. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SEC Regulatory Accountability Act''.

SEC. 2. CONSIDERATION BY THE SECURITIES AND EXCHANGE COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND CERTAIN OTHER AGENCY ACTIONS.

Section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended by adding at the end the following:

''(e) CONSIDERATION OF COSTS AND BENEFITS.—

''(1) IN GENERAL.—Before issuing a regulation under the securities laws, as defined in section 3(a), the Commission shall—

''(A) clearly identify the nature and source of the problem that the proposed regulation is designed to address, as well as assess the significance of that problem, to enable assessment of whether any new regulation is warranted;

''(B) utilize the Chief Economist to assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the regulation;

''(C) identify and assess available alternatives to the regulation that were considered, including modification of an existing regulation, together with an explanation of why the regulation meets the regulatory objectives more effectively than the alternatives; and

''(D) ensure that any regulation is accessible, consistent, written in plain language, and easy to understand and shall measure, and seek to improve, the actual results of regulatory requirements.

''(2) CONSIDERATIONS AND ACTIONS.—

''(A) REQUIRED ACTIONS.—In deciding whether and how to regulate, the Commission shall assess the costs and benefits of available regulatory alternatives, including the alternative of not regulating, and choose the approach that maximizes net benefits. Specifically, the Commission shall—

''(i) consistent with the requirements of section 3(f) (15 U.S.C. 78c(f)), section 2(b) of the Securities Act of 1933 (15 U.S.C. 77b(b)), section 202(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(c)), and section 2(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(c)), consider whether the rulemaking will promote efficiency, competition, and capital formation;

''(ii) evaluate whether, consistent with obtaining regulatory objectives, the regulation is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including State and local governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations; and

''(iii) evaluate whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations.

''(B) ADDITIONAL CONSIDERATIONS.—In addition, in making a reasoned determination of the costs and benefits of a potential regulation, the Commission shall, to the extent that each is relevant to the particular proposed regulation, take into consideration the impact of the regulation on—

''(i) investor choice;

''(ii) market liquidity in the securities markets; and

''(iii) small businesses.

''(3) EXPLANATION AND COMMENTS.—The Commission shall explain in its final rule the nature of comments that it received, including those from the industry or consumer groups concerning the potential costs or benefits of the proposed rule or proposed rule change, and shall provide a response to those comments in its final rule, including an explanation of any changes that were made in response to those comments and the reasons that the Commission did not incorporate those industry group concerns related to the potential costs or benefits in the final rule.

''(4) REVIEW OF EXISTING REGULATIONS.—Not later than 1 year after the date of enactment of the SEC Regulatory Accountability Act, and every 5 years thereafter, the Commission shall review its regulations to determine whether any such regulations are outmoded, ineffective, insufficient, or excessively burdensome, and shall modify, streamline, expand, or repeal them in accordance with such review. In reviewing any regulation (including, notwithstanding paragraph (6), a regulation issued in accordance with formal rulemaking provisions) that subjects issuers with a public float of $250,000,000 or less to the attestation and reporting requirements of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), the Commission shall specifically take into account the large burden of such regulation when compared to the benefit of such regulation.

''(5) POST-ADOPTION IMPACT ASSESSMENT.—

''(A) IN GENERAL.—Whenever the Commission adopts or amends a regulation designated as a 'major rule' within the meaning of section 804(2) of title 5, United States Code, it shall state, in its adopting release, the following:

''(i) The purposes and intended consequences of the regulation.

''(ii) Appropriate post-implementation quantitative and qualitative metrics to measure the economic impact of the regulation and to measure the extent to which the regulation has accomplished the stated purposes.

''(iii) The assessment plan that will be used, consistent with the requirements of subparagraph (B) and under the supervision of the Chief Economist of the Commission, to assess whether the regulation has achieved the stated purposes.

''(iv) Any unintended or negative consequences that the Commission foresees may result from the regulation.

''(B) REQUIREMENTS OF ASSESSMENT PLAN AND REPORT.—

''(i) REQUIREMENTS OF PLAN.—The assessment plan required under this paragraph shall consider the costs, benefits, and intended and unintended consequences of the regulation. The plan shall specify the data to be collected, the methods for collection and analysis of the data and a date for completion of the assessment.

''(ii) SUBMISSION AND PUBLICATION OF REPORT.—The Chief Economist shall submit the completed assessment report to the Commission no later than 2 years after the publication of the adopting release, unless the Commission, at the request of the Chief Economist, has published at least 90 days before such date a notice in the Federal Register extending the date and providing specific reasons why an extension is necessary. Within 7 days after submission to the Commission of the final assessment report, it shall be published in the Federal Register for notice and comment. Any material modification of the plan, as necessary to assess unforeseen aspects or consequences of the regulation, shall be promptly published in the Federal Register for notice and comment.

''(iii) DATA COLLECTION NOT SUBJECT TO NOTICE AND COMMENT REQUIREMENTS.—If the Commission has published its assessment plan for notice and comment, specifying the data to be collected and method of collection, at least 30 days prior to adoption of a final regulation or amendment, such collection of data shall not be subject to the notice and comment requirements in section 3506(c) of title 44, United States Code (commonly referred to as the Paperwork Reduction Act). Any material modifications of the plan that require collection of data not previously published for notice and comment shall also be exempt from such requirements if the Commission has published notice for comment in the Federal Register of the additional data to be collected, at least 30 days prior to initiation of data collection.

''(iv) FINAL ACTION.—Not later than 180 days after publication of the assessment report in the Federal Register, the Commission shall issue for notice and comment a proposal to amend or rescind the regulation, or publish a notice that the Commission has determined that no action will be taken on the regulation. Such a notice will be deemed a final agency action.

''(6) COVERED REGULATIONS AND OTHER AGENCY ACTIONS.—Solely as used in this subsection, the term 'regulation'—

''(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, interpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law; and

''(B) does not include—

''(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

''(ii) a regulation that is limited to agency organization, management, or personnel matters;

''(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision; and

''(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register.''.

SEC. 3. SENSE OF CONGRESS RELATING TO OTHER REGULATORY ENTITIES.

It is the sense of the Congress that other regulatory entities, including the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) should also follow the requirements of section 23(e) of such Act, as added by this title.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 113–60. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–60.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 25, add at the end the following: ''The assessment plan shall include

an analysis of any jobs added or lost as a result of the regulation, differentiating between public and private sector jobs.''.

The CHAIR. Pursuant to House Resolution 216, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

I believe that excessive government regulations are a significant barrier to private sector job growth and the creation of those jobs. House Republicans have made job creation a priority, and, as a result, we must work to ensure that the Federal Government reviews new regulations to ensure that their proposed benefit outweighs any potential economic harm.

My amendment today is simple. It requires the SEC to include an assessment of anticipated jobs gained or lost as a result of implementation of any major rule and to specify whether those jobs will come from the public or private sector.

Mr. Chairman, according to a study released by the Small Business Administration in 2010, Federal regulations cost small businesses $1.75 trillion every year to comply. That is money which could be used by American companies to hire new employees or to reinvest in their own business. H.R. 1062 ensures that the Federal Government does not unnecessarily burden American companies with cumbersome regulations by guaranteeing that those regulations are appropriate and necessary. My amendment adds to this review process by making sure that we have a more comprehensive understanding of the economic impacts a regulation creates.

□ 1210

I believe that the amendment I offer today serves to strengthen the underlying legislation by insisting that the SEC begin to focus on job creation, specifically by enabling the private sector, not furthering a liberal agenda that is intentionally harming families, job creation, and small business across America.

I urge my colleagues to support my amendment. I support the underlying bill and legislation that the gentleman from New Jersey brings to the floor today.

I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I claim time in opposition to the amendment, although I do not oppose the amendment.

The CHAIR. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment adds a requirement that the SEC analyze the number of jobs created or lost as a result of a new rule or order, while differentiating between public and private sector jobs.

Although this amendment is not by itself problematic, it layers one more requirement onto a bill already bursting with onerous cost-benefit requirements. And while counting the jobs created or lost because of a particular regulation is a noble goal, we have to view this goal in the context of the overall bill, which tips the scales heavily in favor of industry over investors, including the pension plans for millions of Americans.

The criteria by which the SEC would need to engage in cost-benefit analysis under H.R. 1062 would have the Commission make all decisions on the basis of whether the rules impose the least burden on ''market participants.'' In fact, nowhere in the bill are the words ''investor protection'' used, despite the fact that a central mission of the Securities and Exchange Commission is to protect investors.

Let's be clear: H.R. 1062 is essentially a solution in search of a problem. This bill is not about refining the SEC's cost-benefit analysis. The Commission, in fact, has already done that by adopting a new set of guidelines to ensure that its analysis meets the very high bar set in the decision overturning their proxy access rule. Instead, this bill is about making it easier for industry groups to overturn SEC regulations in the courts.

After the 2008 financial crisis, the public spoke; and they demanded that Congress stand up and legislate rules of the road to prevent another crisis. So we took action to regulate the over-the-counter derivatives market, improve corporate governance, implement the Volcker rule to stop commercial banks from gambling with depositor money, and to reform the credit ratings agencies that slapped AAA ratings onto toxic securities.

Having lost that battle here in Congress, the industry—with the help of some of my colleagues on the other side of the aisle—is now waging a new, quiet battle to have these regulations thrown out in court. H.R. 1062 abets that goal by making it significantly easier for the industry to win in court. This is a key differentiation from the President's executive order on cost-benefit analysis, whose requirements cannot be used as a basis for litigation.

So, again, this amendment is harmless, but it amends what is a deeply problematic bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HURT

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113–60.

Mr. HURT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, beginning on line 7, strike ''other regulatory entities, including''.

Page 10, beginning on line 8, strike '', the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3)''.

Page 10, after line 13, insert the following:

SEC. 4. ACCOUNTABILITY PROVISION RELATING TO OTHER REGULATORY ENTITIES.

A rule adopted by the Municipal Securities Rulemaking Board or any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) shall not take effect unless the Securities and Exchange Commission determines that, in adopting such rule, the Board or association has complied with the requirements of section 23(e) of such Act, as added by section 2, in the same manner as is required by the Commission under such section 23(e).

The CHAIR. Pursuant to House Resolution 216, the gentleman from Virginia (Mr. HURT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. HURT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment to H.R. 1062, the SEC Regulatory Accountability Act, introduced by my friend, Chairman SCOTT GARRETT. His bill is an important step forward to ensure the SEC abides by the President's executive order and also enhances the SEC's existing cost-benefit analysis requirements.

My amendment ensures that rules adopted by the PCAOB, the MSRB, and other national securities associations under the purview of the SEC have the same requirements as the SEC itself and requires the SEC to attest that these associations are in compliance with its own economic assessment standards.

These subordinate organizations can develop standards and rules that have the same effect as Federal regulations. As rules put forth by these organizations generally go through a final SEC rulemaking process, they should be subject also to that same cost-benefit analysis.

As we saw with the SEC's proxy access rule that was thrown out by the D.C. Federal court for lack of a proper assessment of the rule's economic costs, not only is this practice good governance, but it's common sense.

In light of reports that the SEC is considering discretionary rulemakings that would impose additional unnecessary costs resulting in little or no benefit and being of questionable constitutionality, we must ensure that the SEC and the associations under its purview abide by sound economic analyses.

With our economy still struggling and many areas of Virginia's Fifth District nearing double-digit unemployment, we must ensure that our regulations are making it easier for our businesses to access the capital they need to create the jobs in our communities.

I thank Chairman GARRETT for his work on this important issue, and I urge support for my amendment.

I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. I yield myself such time as I may consume.

Mr. Chairman, this amendment doubles down on all of the problems raised by H.R. 1062 by imposing the same burdensome cost-benefit analysis requirements on the Municipal Securities Rulemaking Board, or MSRB, and certain self-regulatory organizations as the underlying bill imposes on the SEC.

Beyond the problems caused by H.R. 1062, this amendment would further put individual citizens and taxpayers at risk by tying the hands of the MSRB, which is entrusted with regulating dealers of municipal securities, including city bond issuances.

The Wall Street Reform Act expanded the mission of the board to protect State and local governments and to regulate, for the first time in history, the individuals who provide municipalities with financial advice.

We had good reason to expand the mission and responsibilities of the MSRB under Dodd-Frank. Like many borrowers who were sold exotic mortgages based on the representations made by mortgage brokers in the lead-up to the financial crisis, we saw that many municipalities entered into complex financial instruments that they didn't fully understand. At the same time, we saw that many financial advisers to municipalities were involved in pay-to-play scandals and recommended unsuitable investments, particularly to small communities. The result was the imposition of substantial costs on taxpayers in communities across the country. The most high-profile example is the case of Jefferson County, Alabama, which entered into the largest municipal bankruptcy in history after a simple sewer bond financing deal ended with the county going broke over faulty interest rate derivatives.

This amendment will make it much more difficult for the MSRB to regulate the financial entities selling these derivative products to our small counties, cities, and towns.

But that's just one example. The amendment would impose similar onerous requirements on the Financial Industry Regulatory Authority—that is FINRA—the self-regulatory organization for broker-dealers, and the Public Companies Accounting Oversight Board, which regulates the auditing industry.

Again, this amendment doubles down on what is already a harmful bill by extending the same onerous requirements of self-regulatory organizations. I see no reason why the Congress would want to further tip the scales in favor of Wall Street over Main Street.

I reserve the balance of my time.

Mr. HURT. Mr. Chairman, I'm prepared to close and would like to insist on my right to do so.

I reserve the balance of my time.

Ms. WATERS. I yield the balance of my time to the gentleman from Georgia (Mr. DAVID SCOTT).

The CHAIR. The gentleman from Georgia is recognized for 2½ minutes.

Mr. DAVID SCOTT of Georgia. Mr. Chairman, let me just clear the air on one important thing.

We know that there is a value for cost-benefit analysis. What we're saying is this is the wrong approach because they're not after cost-benefit analysis. They're after tying the hands of the Securities and Exchange Commission to lessen the regulations.

□ 1220

We have a bill, Mr. Chairman, which is a bipartisan bill by myself, along with Representative CONAWAY from Texas, a Republican, that is a more thoughtful, a more direct and beneficial way of cost-benefit analysis, because we do not have in that bill this very convoluting, confounding requirement of what we call look-back.

You've got to remember, the telling point about Mr. GARRETT's bill is that he requires that the SEC look back at every single rule for the last 80 years since 1934. There is no Federal agency that has even nearly that kind of burden and, on top of that, does not allocate one dime for any needed staff. It is, indeed, a burden.

So the point I want to make is that we understand when he says, okay, let's make sure that we have a cost and a benefit of what they're doing, yeah, we go along with that. But my bill, along with Representative CONAWAY, we digested this bill, we have passed this bill, our bill, which has a more reasonable approach to cost-benefit analysis out of the Agriculture Committee and will be before this House that has a better approach.

We're not opposed to this cost-benefit analysis, but we are opposed to this measure, which is designed to tie the hands of the SEC by allowing them and mandating that they look at every record, every rule all the way back to 1934.

Mr. HURT. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. HURT. I would just say a couple of things in closing. First, what this bill is not is a bill that does anything to amend or change the mandates of the SEC.

We know what those mandates are. They are to ensure fair markets, efficient markets. They are to facilitate capital formation and, finally, investor protection. They are all designed to work together. This bill does nothing to change that mandate. In fact, the bill, if you look at it, talks about cost-benefit analysis repeatedly throughout the entire bill.

I would suggest to you that investor protection includes liquid markets, formation of capital. If we want to protect investors, obviously we need to have healthy markets. That's what this bill ensures by requiring the SEC conduct the most simple, routine cost-benefit analysis, something that the President, by the way, has offered up and required of most Federal agencies that are affected by his executive order. This simply makes them a part of that.

In addition, the SEC chairman stated earlier that that was what her belief should be for the SEC in conducting the cost-benefit analysis. So this simply codifies, as is our responsibility as Members of Congress, to do just that.

With that in mind, I would ask that this body adopt our amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. HURT).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113–60.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS RELATING TO EXISTING REQUIREMENTS FOR ECONOMIC ANALYSES.

(a) FINDINGS.—Congress finds the following:

(1) As with other agencies, current law requires the Securities and Exchange Commission to conduct economic analyses pursuant to the Paperwork Reduction Act, the Congressional Review Act and the Regulatory Flexibility Act.

(2) In addition to the analyses required of all regulatory agencies, the Securities and Exchange Commission is also required to perform additional economic analyses pursuant to section 3(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(f)), section 2(b) of the Securities Act of 1933 (15 U.S.C. 77b(b)), section 202(c) of the Investment Advisers Act of 1940 (15 U.S.C.80b–2(c)), and section 2(c) of the Investment Company Act of 1940 (15 U.S.C.80a–2(c)), which provide that, where the Commission is engaged in rulemaking and is required to consider whether the rule is necessary or appropriate in the public interest, the Commission must also consider whether the rule will promote efficiency, competition, and capital formation.

(3) In the July 22, 2011 decision in Business Roundtable v. SEC (647 F.3d 1144), the United States Court of Appeals for the D.C. Circuit vacated the Commission's recently adopted proxy access rule, which would have provided a company shareholder or group of shareholders meeting certain minimum ownership thresholds and other requirements the ability to include in the company's proxy materials the shareholder(s)' nominee(s) for the company's board of directors. The court found that, because the Commission had not adequately addressed the likely economic consequences of the rule, its adoption of the rule was arbitrary and capricious.

(4) In March of 2012, the Securities and Exchange Commission revised and clarified its

guidance on cost benefit analysis. In December of 2012 the Government Accountability Office issued a review of agencies' analysis and coordination of rules. The GAO found, ''SEC's guidance defines the basic elements of good regulatory economic analysis in a manner that closely parallels the elements listed in Circular A-4: (1) a statement of the need for the proposed action; (2) the definition of a baseline against which to measure the likely economic consequences of the proposed regulation; (3) the identification of alternative regulatory approaches; and (4) an evaluation of the benefits and costs - both quantitative and qualitative - of the proposed action and the main alternatives.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Securities and Exchange Commission is required pursuant to law to conduct economic analyses as part of its rulemakings. Further, the D.C. Circuit Court's recent decision in the Business Roundtable case makes clear that the economic analyses the Commission undertakes in connection with its rules are subject to meaningful judicial scrutiny.

The CHAIR. Pursuant to House Resolution 216, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. CAROLYN B. MALONEY of New York. I thank the Chair, and I yield myself as much time as I may consume.

First, I would like to say that I am happy to work with Mr. GARRETT on a variety of issues. I respect his leadership. But I must respectfully and strongly disagree with him on this issue before us today.

It seems clear that the intended effect of the Republican bill is to cripple the SEC just as they undertake the very tough and important job of implementing the badly needed reforms we passed in Dodd-Frank.

May I remind my colleagues that we passed Dodd-Frank in response to the worst financial crisis in our lifetime, one in which we were at one point losing 700,000 jobs a month, and by some estimates the loss was well over $12 trillion.

My amendment strikes the underlying bill and puts a sense of Congress in its place.

My amendment contains findings that very clearly lay out the cost-benefit analysis process that the SEC already has to go through in proposing or adopting a rule.

What this bill would do now, the Republican bill, is handcuff the SEC commissioners with unnecessary redtape so that the Commission will be unable to protect investors effectively.

Despite what the other side of the aisle is saying, there is already a multi-layered and effective cost-benefit analysis built into the SEC rulemaking process.

The SEC is already required by law to do cost-benefit analysis under the Paperwork Reduction Act and the Congressional Review Act and the Regulatory Flexibility Act, and for the SEC specifically under the National Securities Markets Improvement Act of 1996.

In fact, just last year, the GAO issued a report praising the SEC's guidance on cost-benefit analysis saying:

The basic elements of good regulatory economic analysis.

And in evaluating a recent proposal on swaps regulation, the cochairman of the Financial Services Department at Cadawalder wrote:

The SEC release contains the most detailed attempt at an economic analysis of the effect of the rules that I have seen from any agency.

But under this Republican bill, the SEC would have to divert its limited budget resources away from enforcement or examining the impact of worldwide derivatives markets only to duplicate things it is already doing.

This bill also says that every 5 years the SEC is required to do a cost-benefit analysis of every regulation it has ever issued on any subject going back some 80 years, back to day one in 1933. And it would have to magically do all of this without one additional red cent of additional funding to cover the cost of it.

If we want to highlight anything, we should be highlighting the extensive process that exists and the judicial scrutiny that it includes, which is what my amendment does.

The stated mission of the SEC is to protect investors; not give them more redtape; maintain fair, orderly, and efficient markets; and facilitate capital formation. Let's help them do that—not just make them jump through unnecessary, costly, and duplicative hoops.

The underlying bill, the Republican bill, is a prescription for paralysis of the SEC's ability to protect investors. I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. GARRETT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Chairman, first of all, I appreciate the gentlelady's offer of an amendment here. I also appreciate the fact that the lady and I have often worked together on legislation in the past in our respective committee, but on this one I humbly disagree.

As she says, the amendment before us basically guts the bill and simply sets forth a sense of Congress.

□ 1230

Two points, one on policy and one on practicality.

On policy, if this were the gentlelady's idea that this is the way we should go on this piece of underlying legislation, as the ranking member of the subcommittee and as a member of the full committee, she had every opportunity in the world to come before the committee at the time and put this before us, at which time we could have had a full and complete debate on it.

Had we done so, we probably would have pointed out to her two things.

One, she makes reference to the D.C. Circuit Court's opinion on lines 14 through 18 of her case. Would that the D.C. Circuit Court had said that the SEC is doing a good job, that they had the authority to do so and that nothing else is necessary in going forward. If she had read the opinion, she would have known that that's not quite what they said.

The D.C. Circuit Court stated that the SEC, the Commission, acted arbitrarily and capriciously for having failed—note this—''once again''—so this is not the only time—but once again to adequately assess the economic effects of the new rule and, again, inconsistently and opportunistically framed cost benefits of the rule.

So the citation that she gives of the D.C. Circuit Court does not support her position but undermines her position. The D.C. Circuit basically supports our position that the SEC has failed, and that it has failed repeatedly to do what it should do, and that is why we have the legislation before you today.

And when she talks about red tape and unnecessary—well, that's not what the AFL–CIO says, and that's not what the American Bar Association says. The SEC did look at the issue of doing a retrospective look at this. They did so back over a year and a half ago, back in September of 2011, and they asked for input.

What did the AFL–CIO say about that?

To be effective, security regulations must be continuously updated to address the emergence of new loopholes, abuses and market failures.

Likewise, the American Bar Association also chimed in about the retrospective analysis, which is what the SEC could have been doing, should have been doing, didn't do, and that is what our bill will require them to do.

So I appreciate the gentlelady's efforts in this area, but I would recommend a ''no'' vote on her amendment.

I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. I would like to point out to my colleague that the circuit court decision underlines the point that I'm making in my amendment. It says clearly that there are cost-benefit analyses that are required by the SEC, and it made clear that there is a judicial review, that not only is analysis required, but you can always appeal to the court.

I yield my remaining time to the distinguished ranking member from the great State of California, MAXINE WATERS.

Ms. WATERS. Thank you very much.

Mr. Chairman and Members, I would like to thank the gentlelady from New York for bringing this amendment today. As a matter of fact, the opposite side should thank her, too, because she is giving them an opportunity to back out of this awful bill that will be harmful and that is ill-informed and to get

on with just saying that her resolution would make good sense. So I am eager to support this amendment from the gentlelady from New York.

The amendment strikes all bill text and replaces it with a sense of Congress, reiterating all the economic analysis requirements already imposed on the SEC.

Specifically, current law requires the SEC to conduct economic analyses pursuant to the Paperwork Reduction Act, the Congressional Review Act and the Regulatory Flexibility Act, as well as additional cost-benefit analysis per the National Securities Markets Improvement Act.

The CHAIR. The time of the gentlewoman has expired.

Mr. GARRETT. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. GARRETT. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113–60 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HURT of Virginia.

Amendment No. 3 by Mrs. CAROLYN B. MALONEY of New York.

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

AMENDMENT NO. 2 OFFERED BY MR. HURT

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. HURT) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 163, not voting 37, as follows:

[Roll No. 157]

AYES—233

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kuster
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Schneider
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—163

Andrews
Bass
Beatty
Becerra
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings (FL)
Heck (WA)
Himes
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Negrete McLeod
Nolan
Pallone
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—37

Brown (FL)
Campbell
Clyburn
Coble
Cummings
Daines
DeLauro
DesJarlais
Duffy
Edwards
Garcia
Gingrey (GA)
Gutierrez
Hanabusa
Higgins
Hinojosa
Holt
Hoyer
Johnson, Sam
Kirkpatrick
Labrador
Lewis
Lofgren
Markey
Neal
O'Rourke
Palazzo
Pascrell
Pelosi
Peters (MI)
Pompeo
Quigley
Rogers (AL)
Sarbanes
Scalise
Tsongas
Wagner

□ 1258

Messrs. CÁRDENAS, PETERS of California, and WELCH changed their vote from ''aye'' to ''no.''

Mrs. HARTZLER and Mr. CUELLAR changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 165, noes 233, not voting 35, as follows:

[Roll No. 158]

AYES—165

Andrews
Bass
Beatty
Becerra
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Cohen
Connolly
Conyers
Cooper

Costa
Courtney
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DesJarlais
Deutch
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings (FL)
Heck (WA)
Himes
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Negrete McLeod
Nolan
O'Rourke
Pallone
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—233

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Cassidy
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dingell
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Maloney, Sean
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Paulsen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—35

Brown (FL)
Campbell
Carter
Clyburn
Coble
Cummings
Daines
Duffy
Edwards
Garcia
Gingrey (GA)
Gutierrez
Hanabusa
Higgins
Hinojosa
Holt
Hoyer
Johnson, Sam
Kirkpatrick
Labrador
Lewis
Lofgren
Markey
Neal
Palazzo
Pascrell
Pelosi
Peters (MI)
Pompeo
Quigley
Rogers (AL)
Sarbanes
Scalise
Scott, David
Wagner

□ 1305

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. HULTGREN). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1062) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders, and, pursuant to House Resolution 216, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute reported from the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. WATERS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. WATERS. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Waters moves to recommit the bill H.R. 1062 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

SEC. 4. PROTECTING THE PENSIONS OF WORKING AMERICANS AND PROHIBITING THE FRAUDULENT TAKEOVER OF AMERICAN COMPANIES.

Nothing in this Act, or the amendments made by this Act, shall limit the authority of the Securities and Exchange Commission, in carrying out the Commission's authority to enforce securities laws and ensure investor protections—

(1) to protect the pension funds of firefighters, police officers, and teachers, or a pension fund of any retiree, against fraudulent and deceptive financial practices; or

(2) to protect against the takeover of American businesses by non-U.S. persons, including government-owned corporations from China, that engage in reverse mergers with U.S. companies to gain quick access to U.S. markets, but defraud investors of billions of dollars.

Mr. GARRETT (during the reading). Mr. Speaker, I ask that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of the motion.

□ 1310

Ms. WATERS. This is the final amendment to the bill, which would not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

This motion ensures the ability of the SEC to continue to protect investors and enforce the securities laws. I want to emphasize that this motion does not stop the bill, but it does flag the very important ways in which we need to let the SEC act. The motion would ensure that the SEC can protect investors and enforce the securities laws in two specific areas:

First, the motion will ensure that this bill does not reduce the ability of the SEC to protect the pension plans of our firefighters and police, the people on whom we rely as our first responders, as well as the pension plans of teachers and other retirees against fraudulent and deceptive practices. Protecting investors is a core element of the SEC's mission and one that we ignore at our peril. This week is Police Officers Week. Do we really want to honor our men and women in service by stripping them of protections for their hard-earned and hard-won earnings? Mr. Speaker, these protections become ever more crucial as we rely increasingly on the securities markets for our retirement savings.

Second, the motion to recommit focuses on protecting investors by ensuring that the SEC can protect against the takeover of American firms by foreign companies, particularly Chinese companies, that are using such mergers to access the investor funds in our capital markets without going through the SEC registration process. The SEC has had numerous enforcement actions against such companies which purchase a small company and merge it with a larger, often fraudulent, foreign company. It has worked hard to protect the savings of hardworking Americans, including union pension holders and other pensioners, from being disadvantaged by these Chinese firms that don't play by the same rules.

Both of these areas highlight the importance of SEC action to protect investors, particularly those preparing for retirement. With Americans increasingly dependent on the securities markets to protect their retirement savings, it is more critical than ever to ensure that we preserve the ability of the SEC to act.

Just yesterday, we heard from the SEC's new chairwoman, Mary Jo White. When we asked her about this bill, she said that she found it ''very troubling.'' I don't imagine that a former prosecutor who took on the Mob and terrorists is easily troubled. Indeed, she said that she had already needed at least 45 new economists to meet the need for an expanded economic analysis under the SEC standards, but she couldn't hire them due to the sequester. This is troubling indeed.

Rather than helping the SEC to do its job better, we are cutting its budget and throwing up new roadblocks, like this bill. It is a mistake. I urge my colleagues to support this motion, and I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Speaker, I will be brief, and I will simply address both the process and the policy briefly.

On the process, I appreciate the gentlelady's bringing this amendment here to the floor today; but, as she knows, we were in committee for multiple hours hearing various amendments on the underlying legislation, and she had every opportunity to bring it before the entire committee at that time, and we could have had a full and complete debate and actual vote in the committee at that time. I am lost for a reason why she did not go through the regular order.

But, more specifically, to the merits of the underlying bill and the amendment, if there could be anything simpler or easier than what we are trying to do in the underlying bill, H.R. 1062, Mr. Speaker, let's be real. Mr. Speaker, all we're asking the SEC to do is this: identify a problem first before you do a regulation, and then once you consider a regulation, consider all the alternatives that are out there, not just the initial one that comes forward. And then once you've passed that regulation, the next year and years after that, go back and reconsider them and make sure that they're being done effectively and they were the most efficient regulations for the economy. That's the underlying legislation, and that's why I encourage my Members to support the underlying bill.

To the MTR, what is the SEC charged to do? Three, basically, core provisions: investor protection, capital formation, and efficient markets. And perhaps to the point here, one of the most important is investor protection.

Who are we talking about when we're talking about investors? It's that single mom out there who is trying to raise a young girl and trying to put her into college and have money to do so. It's the young couple who wants to have financing to be able to buy their first home. It's the moms, dads, and our grandparents, the pensioners and the retirees who want to know that their investments are secure and the markets are operating efficiently. To the point here with your amendment most specifically, yes, it's the cop on the beat, it's the fireman, and it's the union worker who wants to make sure that he's investing his time and efforts into our community and his investments are taken care of in an efficient operation in the markets on Wall Street and the markets as well.

That's what our bill does. All of them are taken care of in the underlying legislation. Your amendment basically says that we don't care as far as making sure the most efficient rules are concerned when it comes to the firefighters, the pensioners, or the teachers.

I'll close on this. If we want to honor the firefighters, if we want to honor the police officers, and if we want to honor the teachers and the pension funds, vote ''no'' on this MTR and vote ''yes'' on the final passage.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule 20, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 217, not voting 37, as follows:

[Roll No. 159]

AYES—179

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings (FL)
Heck (WA)
Himes
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—217

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)

Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—37

Barton
Brown (FL)
Campbell
Clyburn
Coble
Cole
Cummings
Daines
DesJarlais
Duffy
Edwards
Garcia
Gingrey (GA)
Gutierrez
Hanabusa
Higgins
Hinojosa
Holt
Hoyer
Johnson, E. B.
Johnson, Sam
Kirkpatrick
Labrador
Lewis
Lofgren
Markey
Neal
Palazzo
Pascrell
Pelosi
Peters (MI)
Pompeo
Quigley
Rogers (AL)
Sarbanes
Scalise
Wagner

□ 1322

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 161, not voting 37, as follows:

[Roll No. 160]

AYES—235

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Cárdenas
Carter
Cassidy
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Maloney, Sean
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Paulsen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Ruiz
Runyan
Ryan (WI)
Salmon
Sanford
Schneider
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—161

Andrews
Bass
Beatty
Becerra
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings (FL)
Heck (WA)
Himes
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Negrete McLeod
Nolan
O'Rourke
Pallone
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Rangel
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—37

Barton
Brown (FL)
Campbell
Clyburn
Coble
Cummings
Daines
DesJarlais
Duffy
Edwards
Garcia
Gingrey (GA)
Gutierrez
Hanabusa
Higgins
Hinojosa
Holt
Hoyer
Johnson, Sam
Kirkpatrick
Labrador
Lewis
Lofgren
Markey
Meng
Neal
Palazzo
Pascrell
Pelosi
Peters (MI)
Pompeo
Quigley
Rogers (AL)
Sarbanes
Scalise
Serrano
Wagner

□ 1330

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. WAGNER. Mr. Speaker, on Friday May 17, 2013, I was in St. Louis, Missouri celebrating the graduation of my son, Stephen Wagner. Stephen is graduating from Washington University in St. Louis, and today was his commencement ceremony.

Due to this lifetime event, I was unable to be in Washington, DC to vote on the legislative business of the day.

On Ordering the Previous Question for H. Res. 216, a resolution providing for consideration of H.R. 1062, the SEC Regulatory Accountability Act, rollcall vote No. 155, had I been present I would have vote "yes."

On Adoption of H. Res. 216, a resolution providing for consideration of H.R. 1062, the SEC Regulatory Accountability Act, rollcall No. 156, had I been present I would have voted "yes."

On Adoption of the Amendment of Mr. HURT of Virginia, Amendment No. 2 to H.R. 1062, rollcall vote No. 157, had I been present I would have voted "yes."

On Adoption of the Amendment of Ms. MALONEY of New York, Amendment No. 3 to H.R. 1062, rollcall vote No. 158, had I been present I would have voted "no."

On the Motion to Recommit with Instructions H.R. 1062 rollcall vote No. 159, had I been present I would have voted "no."

On Passage of H.R. 1062, the SEC Regulatory Accountability Act, rollcall vote No. 160, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes Friday, May 17. Had I been present, I would have voted "nay" on rollcall vote 155, "nay" on rollcall vote 156, "nay" on rollcall

vote 157, ''yea'' on rollcall vote 158, ''yea'' on rollcall vote 159, and ''nay'' on rollcall vote 160.

PERSONAL EXPLANATION

Mrs. KIRKPATRICK. Mr. Speaker, due to family obligations today, May 17, 2013, I will miss certain votes related to H.R. 1062. Had I been present, I would have voted the following way:

Representative Hurt Amendment—I would have voted ''no.''

Representative Carolyn Maloney Amendment—I would have voted ''yes.''

Democratic Motion to Recommit H.R. 1062—I would have voted ''yes.''

On final passage of H.R. 1062—I would have voted ''no.''

Mr. PASCRELL. Mr. Speaker, today, May 17th, I missed several rollcall votes. Had I been present I would have voted:

''nay''—rollcall vote 155—On Ordering the Previous Question on H. Res. 216—Providing for consideration of H.R. 1062, the SEC Regulatory Accountability Act.

''nay''—rollcall vote 156—On Agreeing to the Resolution—H. Res. 216—Providing for consideration of H.R. 1062, the SEC Regulatory Accountability Act

''nay''—rollcall vote 157—On Agreeing to the Amendment—Hurt of Virginia Amendment No. 2

''aye''—rollcall Vote 158—On Agreeing to the Amendment—Carolyn Maloney of New York Amendment No. 3

''aye''—rollcall vote 159—On Motion to Recommit with Instructions on H.R. 1062—To improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders

''nay—rollcall vote 160—On Passage of H.R. 1062—To improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders

ADJOURNMENT TO MONDAY, MAY 20, 2013

Mr. YOHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

HONORING JUAN MANUEL SALVAT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise this afternoon to honor Juan Manuel Salvat, owner of Miami's first Spanish-language bookseller: Libreria Universal, which will sadly be closing after his retirement in June.

Having fled Castro's totalitarian grip, Juan Manuel was eager to rescue the essential works of the Cuban culture.

He sought to tell the story of the Cuban exile, and that is how in 1965 he founded Universal Publishing and its subsidiary, Universal Bookseller & Distributor.

Since then, this company has been dedicated to the distribution and publication of books from Hispanic and Cuban authors, including my father, Enrique Ros.

I thank Salvat for playing a major role in illustrating the road traveled by the exile community through the more than 1,600 published titles, while giving readers a deeper understanding of Cuba and Latin America's culture, history, politics, and literature. We will miss this great cultural leader.

CLIMATE CHANGE

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

Mr. JOHNSON of Georgia. Mr. Speaker, I implore my colleagues to address the global climate process.

A recent academic study found that 97 percent of scientists agree that human activity is mainly responsible for climate change. That same study concluded that the public has been misled into thinking that there is a difference in thinking among scientists on this, but 97 percent of scientists agree that this is a problem.

How much longer will science deniers and their supporters in Congress spread misinformation about the facts and the dangers of climate change? It is a fact that we have more carbon dioxide in our atmosphere than at any time in the past 3 million years.

As a member of the Safe Climate Caucus, I urge all of my colleagues to recognize the dangers of climate change and to come together and address this problem ASAP. We don't have much time to lose.

CONGRATULATING CANDICE GLOVER

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

Mr. SANFORD. Mr. Speaker, I have the pleasure of rising today to congratulate Lowcountry native and St. Helena Island's own Candice Glover on winning the title of ''American Idol.'' She is the daughter of John and Carole Glover. Candice is a graduate of Beaufort High School.

I think that her story ultimately is inspirational, because what she does is she teaches and reminds every one of us on the importance of this simple notion of trying, trying, and trying yet again. Because it was, in fact, on her third attempt that she actually made it, and it made all the difference.

I was there for ''hero's welcome'' just a couple of weeks ago in Beaufort, South Carolina, and I can only imagine the welcome that she will now receive. She was then one of three. She won it this week.

Her career is one that started at Oaks True Holiness Church back home at the age of 4 when she was singing literally to the Lord. It was only the beginning. And as South Carolina's new congressman from the First Congressional District, I speak for many who could not be more proud of Candice for, indeed, the way that she reminds every one of us of the importance of trying, trying, and trying yet again.

Congratulations, Candice.

KEYSTONE XL PIPELINE

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

Mr. COHEN. Mr. Speaker, I rise today to share my grave concern about the Keystone XL pipeline and H.R. 3, the Northern Route Approval Act, which, unfortunately, passed through committee this past week. It will allow accelerated building of this pipeline and give certain advantages to a foreign country—Canada—against our citizens that otherwise would have rights to go to court, which are being deprived.

The world's foremost climatologist, former NASA scientist Dr. James Hansen, was one of the first scientists to warn of the dangers of burning carbon fuel. He has likened the building and the use of the Keystone XL pipeline to the lighting of the ''fuse to the biggest carbon bomb on the planet,'' and nothing less.

Dr. Hansen warns that the completion of the Keystone XL pipeline will only reinforce our dependence on fossil fuels, not strengthen our Nation's energy independence, which has been argued by some on the other side.

By furthering our dependence on fossil fuels, we only push Earth farther and farther away from the point of no return. Just last week, the highest rating of carbon in our atmosphere ever was recorded in Hawaii—400 points. This portends a hotter summer even than the hottest summers we have ever faced on this planet.

Building a pipeline that carries the dirtiest of oils—tar sands—from Canada to the Gulf of Mexico on their way to China is exactly the opposite of addressing climate change in America. So, next week, I urge my colleagues to vote ''no'' on H.R. 3 in the interest of preserving our Earth for generations to come.

STUDENT LOAN BILL

(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, for too long Congress has kicked the can down the road and avoided putting forward a long-term plan for college affordability. Yesterday, the House Education Committee took a strong step forward by strengthening our student loan programs and passing H.R. 1911, the Smarter Solutions for Students Act.