are and return to our constitutional duty of being legislators.

SEC DISCLOSURE EFFECTIVENESS TESTING ACT

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1815, and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. CARTWRIGHT). Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 629 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. 1815.

The Chair appoints the gentleman from Rhode Island (Mr. LANGEVIN) to preside over the Committee of the Whole.

□ 1224

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. 1815) to require the Securities and Exchange Commission, when developing rules and regulations about disclosures to retail investors, to conduct investor testing, including a survey and interviews of retail investors, and for other purposes, with Mr. LANGEVIN 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.

General debate shall be confined to the bill and amendments specified in the first section of House Resolution 629 and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

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

The Chair recognizes the gentlewoman from California.

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

Mr. Chairman, I rise in support of H.R. 1815, the SEC Disclosure Effectiveness Testing Act crafted by Representative CASTEN from Illinois, a new Member of Congress and member of the Financial Services Committee.

H.R. 1815 requires the Securities and Exchange Commission to test its disclosure documents with retail investors through one-on-one interviews and surveys to ensure that these documents are actually understood by their target audience.

The SEC's approach to protecting retail investors from conflicts of interest and other risks has been based on informing them through disclosure. This is a problem when those disclosures are written in a way that retail investors don't understand.

Since at least 2012, when the SEC conducted a financial literacy study, we have known that many of the disclosures intended for retail investors are not well-understood by those investors.

While the public has the opportunity to comment on most rulemakings or new disclosures, these comments are largely from well-funded industry representatives, rather than the mom-and-pop investors who will be receiving these new disclosures.

H.R. 1815 ensures that the SEC gets the input it needs from retail investors on disclosure forms by requiring the SEC to test those forms and engage in qualitative one-on-one interviews and nationwide surveys.

Investor testing has been embraced by both Democratic and Republican commissioners at the SEC. In addition, the SEC itself has been engaged in investor testing in several instances, including most recently in 2018, when it tested a proposed disclosure for brokers and investment advisers to provide to retail investors known as Form Client Relationship Summary, that is, CRS.

This proposed five-page disclosure was intended to help retail investors understand the obligations owed and services provided by investment professionals, as well as the fees and costs that could affect their investment accounts.

To ensure that retail investors are able to use Form CRS as intended, the SEC conducted a nationwide online survey of 1,800 individuals and 31 qualitative, in-depth interviews in Denver and Pittsburgh. The mixed results of the SEC's testing of Form CRS showed that changes and possibly more testing were necessary.

Unfortunately, in that instance, the SEC did not engage in the robust, iterative investor testing that H.R. 1815 would require, and finalized a vague disclosure.

H.R. 1815 would require the SEC to go back and review and test existing disclosures like Form CRS and determine whether changes should be made. This review of existing documents is particularly important as the capital markets, investor behaviors, and investing trends change.

In addition to the SEC, other regulators like the Consumer Financial Protection Bureau and the Federal Trade Commission also engage in usability testing of their disclosures.

H.R. 1815 builds on the efforts of the SEC by requiring the Commission to engage in a similar iterative process for all existing or future disclosure, intended to help retail investors make informed investment decisions.

I thank Representative CASTEN for putting forth this commonsense piece of legislation that will help investors make better informed financial decisions regarding their hard-earned earnings.

Mr. Chair, I reserve the balance of my time.

□ 1230

Mr. HUIZENGA. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise in opposition to H.R. 1815, the SEC Disclosure Effectiveness Testing Act of 2019.

Mr. Chair, Democrats claim that this bill would ''build on efforts to engage in investor testing by requiring the SEC to conduct usability testing of any new disclosure.''

If my friends on the other side really wanted to build on efforts to engage in investor testing, I believe they would have worked with Republicans on the committee and the Securities and Exchange Commission to craft a bill that would actually be signed into law. Unfortunately, this bill is a deliberate effort to not only delay the SEC's rulemaking on Regulation Best Interest and Form CRS, but it is also an effort to tie the SEC's hands with regard to future disclosure rulemakings and may have an effect even on past rulemakings.

In fact, what the bill's author won't tell you is that the SEC already conducted investor testing on the very disclosure regulation Democrats are targeting with this particular bill. With Reg BI, 1,800 Main Street investors nationwide were surveyed about the regulation. There were 31 one-on-one, in-depth interviews with retail investors. Seven roundtables were held that the SEC gained input from. Finally, more than 6,000 comment letters were received by the SEC before they actually put together the Reg BI.

The Securities and Exchange Commission collected all this, analyzed the information from all of those sources, and very carefully crafted what had been very contentious and, frankly, outside the bounds of what had normally been accepted with Regulation Best Interest by having the Department of Labor try to drive this rather than the Securities and Exchange Commission. I believe that they have a good product.

The SEC used this information to adopt a workable regulation all without the help—or the so-called help—of H.R. 1815. So what does the final rulemaking package on Reg BI and Form CRS accomplish?

It raises the standard of care owed by broker-dealers to retail investors, and that, at the end of the day, is what this is all about. It is a standard that we agree needed to be addressed.

But why make the SEC do it again and further delay a rulemaking that makes significant improvements for Main Street investors? It is a rule that is in place. I can only surmise it is because my friends on the other side didn't like the outcome and didn't like what they heard in that investor testing.

Not only did they not like the current outcome for Reg BI and Form CRS, but my friends on the other side of the aisle want to tie the SEC's hands in future disclosure rulemaking. They accomplish this by requiring investor

testing for documents and information that are relied on or ''substantially likely to be materially relied upon by retail investors.''

Now, I don't know what that phrase means. Here is why I don't know what that phrase means: It is because it wasn't in the version of the bill reported out of the committee. That is a phrase thrown in at the last minute by my friends on the other side of the aisle.

If that weren't enough, the bill targets the SEC's previous disclosure rulemaking. H.R. 1815 requires the SEC to retroactively conduct investor testing on similar disclosure rulemakings that were finalized before enactment of this bill. This means disclosure rules finalized 5, 10, 15, maybe even 20 years ago could be captured and will be captured by this bill.

Finally, if subjecting past and future disclosure rulemakings to investor testing weren't enough, the bill captures present rulemaking. H.R. 1815 creates a bureaucratic loop by requiring the SEC to conduct investor testing if substantive changes are made to a proposed rulemaking, and those changes are untested before the rules are finalized.

What does this bill mean for everyday investors? It means more bureaucracy. It means less certainty. Certainly, it does not speed up what all agree is an issue that needs to be addressed. There is no doubt that investor testing is an effective tool for designing smart, workable regulatory frameworks to benefit the Main Street investor. It can help craft disclosures and information that everyday investors can actually understand and use. It does not have to come in the form of a mandate.

This bill is not only a delay tactic, but it will drastically undermine the ability of the SEC to do its primary job of protecting investors.

Under the last administration, that is all we heard about on the committee. I have been on the subcommittee that handles this, and all we heard was how Congress was undercutting the Securities and Exchange Commission, that it wasn't supporting it enough and wasn't allowing it to do its job.

What are my friends now doing? The exact thing that they were complaining about.

By delaying it or in some cases preventing the SEC from finalizing rules intended to protect investors and diverting resources from cybersecurity and enforcement actions, Main Street investors that this bill claims to serve will only be harmed.

I am confident the SEC can and will devote the utmost attention and consideration to help everyday American investors without this particular bill.

Mr. Chair, I reserve the balance of my time.

Ms. WATERS. Mr. Chair, I yield 4 minutes to the gentleman from Illinois (Mr. CASTEN), who will correct all the misstatements that were just made by the gentleman from Michigan. Representative CASTEN is the sponsor of the bill.

Mr. CASTEN of Illinois. Mr. Chair, I rise in support of my bill, H.R. 1815, the SEC Disclosure Effectiveness Testing Act. I thank Chairwoman WATERS and Subcommittee Chair MALONEY for their leadership on the Financial Services Committee and their unwavering dedication to protecting investors.

That is exactly what this bill does. It is a pro-investor bill that has one goal: that the SEC ensures disclosures made to retail investors are clear and concise so that Americans can make informed investment decisions.

We are not here to relitigate the proper duty that brokers owe to investors. Instead, this bill is about making sure that disclosure documents convey information to investors effectively. We would never let companies post warning labels in ancient Greek, yet we too often allow disclosure documents—say, for conflicts of interest—to be written in jargon that is unintelligible to anyone without a law degree. Merely providing information to investors is not enough. We have also to make sure that information is understood.

Whether it is buying a house, sending your kids to college, investing in your retirement, or just saving for a rainy day, the American Dream depends on our ability to invest in our future. This bill protects Americans by doing pretty basic market research to ensure that legally required disclosures can be understood by the average investor. Disclosures are already legally mandated to disclose information about fees, comparisons of investment advisory services, conflicts of interest, and much more, but just because those forms are provided to investors doesn't mean that investors understand them.

As we all know, the biggest lie on the internet is that ''I have read and understand the terms and conditions.'' So we should not assume that just because an investor has been provided a disclosure agreement means that they understand it.

Now, in point of fact, the RAND Corporation—this was what my colleague referred to—conducted this investor testing—we agree—with 1,800 individuals, 31 qualitative, in-depth interviews. This is what they concluded: ''Nearly 90 percent of respondents opined that the relationship summary would help them make more informed decisions about investment accounts and services . . . but interview discussions revealed that there were areas of confusion for participants, including differences between types of accounts or financial professionals.''

There were no changes made after that. Yes, they did the surveys, but many did not know and still do not know the difference between account types or financial professions. Others didn't appear to have synthesized the information in ways that they could apply it.

In other words, consumers want these disclosures. Qualitative testing shows that what they are getting is not informing them properly, and that is why this bill is so important.

The SEC Disclosure Effectiveness Testing Act would build on SEC's investor testing efforts and require the agency to engage in a robust iterative process for any existing or future disclosures intended to help retail investors make investment decisions.

Specifically, the bill anticipates that the SEC will test those documents used by retail investors when selecting an investment professional to work with, assessing an investment recommendation, or deciding to purchase or sell a security. This would include testing of, for example, brokers' trade confirmation statements and investment advisers' brochures that detail business practices, fees, conflicts of interest, and disciplinary information.

In short, if we are going to rely on disclosures, we need to make sure the disclosures work.

We use market research to convey simple and important messages. Take an example: We don't put warnings on a box of cigarettes that says that in multiple peer-reviewed papers, scientists have found that prolonged exposure to cigarette smoke increases your risk to certain types of cancers, and those results are less than 5 percent likely to have been the result of sampling error.

Nobody would understand that. We say, ''Smoking kills,'' because our job is to communicate. We would be delinquent if we weren't equally clear in this case.

We are talking about disclosures like Form CRS that would require financial professionals to deliver to their retail customers a short and simple disclosure form to clarify the scope of their customers' relationship and companies who offer them financial services.

A consumer disclosure has to do more than just protect the discloser. If an investor doesn't understand what is being disclosed, then we cannot say that anything was truly disclosed. We must make sure that investors know what is being disclosed, and that is what the bill does.

The CHAIR. The time of the gentleman has expired.

Ms. WATERS. Mr. Chair, I yield the gentleman an additional 1 minute.

Mr. CASTEN of Illinois. This isn't a mandate on high to dictate to the SEC what the disclosures should say but rather says that it must do qualitative interviews to confirm that investors understand the disclosure. That is why the AARP has endorsed the bill, as well as the Financial Planning Coalition, the Consumer Federation of America, and the Certified Financial Planner Board of Standards.

This is a narrowly tailored bill that applies to a number of disclosure statements that Main Street retail investors rely on. It does not apply to disclosures that are relied on primarily by sophisticated institutional investors.

When I was growing up, there was an ad on television for a discount menswear store called Syms. At the end of every commercial, their president, Sy Syms, would say, ''An educated consumer is our best customer.'' We owe nothing less to the American people, and I urge my colleagues to vote ''yes.''

Mr. HUIZENGA. Mr. Chair, I yield 2 minutes to the gentleman from Indiana (Mr. HOLLINGSWORTH), who is the vice ranking member of the subcommittee.

Mr. HOLLINGSWORTH. Mr. Chair, I rise in opposition to the bill being discussed today. While I appreciate my good friend Mr. CASTEN's effort on the bill, the problem is in the details.

While he clearly stated that this is a narrowly tailored bill, the reality is that a casual counting of SEC-promulgated rules yields over 600 rules that this would apply to. At 6 months of testing each, that is over 300 years' worth of testing—300 years. Our Republic hasn't been in existence for 300 years.

What I hear from Hoosiers back home is they are tired of our regulators being distracted and going back and looking at the history, and what they want to be focused on is how they protect investors going forward.

As Mr. CASTEN and I have discussed before, I think we share those laudable aims about ensuring that disclosures truly convey the information we want them to convey, but this bill doesn't do that.

This bill distracts the SEC from the necessary work on regulating our markets and protecting our investors by going back and doing hundreds of investor tests on over 600 different SEC-promulgated rules. Because of that, I will oppose the bill.

Ms. WATERS. Mr. Chair, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), who is the chairwoman for the Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chair, I thank the chairwoman for yielding and for her leadership on the committee.

Mr. Chair, I strongly support H.R. 1815, which is just plain common sense, and I congratulate my colleague and friend for his leadership and hard work on this bill.

We want investors to understand the disclosures that companies, brokers, and advisers are required to give them.

What would be the point of requiring disclosures that the vast majority of investors don't even understand? If they don't understand the disclosures—or worse, if they haven't even read the disclosures—then they are not making their investment decisions with all the information that they need.

The best way to ensure that investors understand the disclosures is actually to engage in investor testing of proposed disclosure forms.

□ 1245

Disclosures that a sophisticated institutional investor might understand or that the experts on the SEC staff might understand might not be clear and understandable to the average retail investor.

This isn't surprising. The SEC staff who designed these disclosures are typically lawyers and not disclosure design experts. That is why it is important to require the SEC to engage in investor testing of these disclosures. That way, they don't end up requiring a disclosure that simply does not work.

Quite frankly, I don't understand why anyone would oppose this bill, because that would be the equivalent of saying that you don't want investors to understand the disclosures. And if you think the SEC has the authority to do investor testing, then why would you oppose simply codifying that authority? Other agencies have done effective usability testing for disclosures.

The CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. Mr. Chair, I yield an additional 1 minute to the gentlewoman from New York.

Mrs. CAROLYN B. MALONEY of New York. The Consumer Financial Protection Bureau, under Director Cordray, engaged in extensive consumer testing of new disclosure forms that it was proposing for prepaid cards. It came up with two different proposed disclosure forms and then field-tested the two forms for months before finalizing the prepaid card rule. That is the kind of data-driven regulation that helps consumers, investors, and, ultimately, all market participants because it improves trust in the entire financial markets.

Mr. Chair, I urge my colleagues to support this bill.

Mr. HUIZENGA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. WAGNER), who has had extensive history and experience with this particular issue at the Securities and Exchange Commission.

Mrs. WAGNER. Mr. Chair, I thank the gentleman from Michigan (Mr. HUIZENGA) for yielding his time. He has been a terrific leader on capital markets and has been serving in his capacity as we try and work hard for that low- and middle-income investor, that Main Street investor who is so important that we finally get some regulation and some guidance in place that is going to make sure that they are getting the information that is going to help them make good investment and savings decisions that are truly in the best interest of that consumer. The gentleman from Michigan (Mr. HUIZENGA), the ranking member of the Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets, is absolutely right.

Since my very first year in Congress 7 years ago, I have been fighting for that Main Street investor. I have been fighting to make sure that the best interest of that investor is in place.

This is not about Wall Street; it is about Main Street. It is about taking care of the low- and middle-income consumer. And the SEC has been dealing with this fiduciary rule and with the best interest standard for years and years and years.

Mr. Chairman, we have studied it. We have had countless comment periods. It has been litigated. The investor testing has been done. Years and years have gone into this moment where the SEC is finally ready and has, in fact, moved forward with the best interest standard.

The difficulty with this piece of legislation, H.R. 1815, is it is, frankly, just a political ploy, Mr. Chairman, a political ploy that is an attempt to stop the rule in its tracks, one that is going to take care of those that need the kind of support from their broker-dealer the most.

It is important that we finally have this issue back in the jurisdiction of the SEC where it belongs. It is time that this rule move forward and that we look out—all of us—for the best interest of our retail investors. Let's let this go forward and stop the political ploys.

Ms. WATERS. Mr. Chair, I yield 2 minutes to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Chair, I thank the gentlewoman from California (Ms. WATERS), the chairwoman, for yielding.

Mr. Chair, I rise in support of H.R. 1815, which would simply require the SEC to conduct investor testing when developing rules and regulations about disclosures to retail investors.

Creating effective disclosures is often a difficult task and requires developmental testing with consumers. It is a complex and technical task in its nature. These disclosures are meant to be clear and concise so that retail investors understand the scope of their relationships with brokers and investment advisers and important decisions regarding their investments.

The SEC has had evidence since at least 2012, when it conducted a financial literacy study, that many of the disclosure documents that we currently rely on are not well understood by those investors. This includes cost disclosures that don't clearly convey costs, risk disclosures that don't clearly convey risks, and conflict disclosures that do not clearly convey the nature and the impact of these conflicts.

Effective disclosure testing is imperative for facilitating informed decisionmaking on the part of consumers who are trying to save and invest their hard-earned money, and that is why the AARP and many other groups have endorsed H.R. 1815.

By requiring qualitative testing in the form of one-on-one cognitive interviews of investors, it provides a deeper look into how typical retail investors synthesize information. If investors understand key differences in firms' conflicts, obligations, and revenue streams, then more retail investors will receive and interpret correctly the professional guidance that is right for them.

The framework laid out here will increase transparency and access to critical and understandable information, as well as facilitate informed decision-making for Americans making investment decisions and saving for their retirement. This should be accomplished without delay.

Mr. Chair, I urge a ''yes'' vote on H.R. 1815.

Mr. HUIZENGA. Mr. Chairman, I include in the RECORD the following letters:

An October 16, 2019, letter from the SIFMA expressing support for both of my amendments that exempt Regulation Best Interest and Form CRS from the bill's requirements, and the gentlewoman from Missouri, Mrs. WAGNER's amendment, which would make the bill effective beginning on January 21, 2021, and apply only to future rulemaking; an October 16, 2019, letter from SIFMA opposing H.R. 1815; and also, an October 16, 2019, letter to the Speaker of the House and Leader MCCARTHY from ACLI, FSI, IPA, IRI, ICI, NAIFA, SIFMA, and the Chamber of Commerce expressing concern with H.R. 1815 and the negative impact it would have on retail investors.

As we are starting to have discussion on these particular amendments, I look forward to my friends across the aisle who are saying that the bill does not change any of the current situation, I look forward to them potentially supporting these amendments.

SIFMA,
October 16, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER MCCARTHY: The Securities Industry and Financial Markets Association (SIFMA) appreciates the opportunity to comment on two of the amendments made in order by the Rules Committee to H.R. 1815, the ''SEC Disclosure Effectiveness Testing Act.'' This legislation would impose on the Securities and Exchange Commission (''SEC'') an investor testing requirement for all past and future regulations, with some exceptions, about disclosure to retail investors.

The amendment offered by Representative Huizenga would exempt Form CRS from the bill's retroactive investor testing requirements. In the development of the Regulation Best Interest rulemaking package (commonly referred to as ''Reg BI''), the SEC conducted extensive investor testing of Form CRS. The SEC's testing involved both a comprehensive national survey to collect information on the opinions, preferences, attitudes, and level of self-assessed comprehension of the Form CRS, as well as qualitative interviews to obtain further insight into individuals' attitudes toward the Form CRS. We support Rep. Huizenga's amendment, as further testing of Form CRS would unduly interfere with and delay the implementation process which is already well underway.

Representative Wagner's amendment would apply the bill's investor testing requirements only to applicable disclosure documents developed after January 21, 2021. Based on our firm belief in the heightened strength of the new Reg BI conduct standards and their value to everyday investors, which have been fully effective since September 10, 2019 with a compliance date of June 30, 2020, SIFMA supports the Wagner amendment. We believe the underlying legislation would unnecessarily delay the implementation of a new set of sweeping regulations that would provide strong investor and consumer protections for 43 million households. SIFMA has long supported enhancing the standard of conduct applicable to broker-dealers when providing personalized investment advice about securities to retail investors and we believe the SEC has successfully accomplished this important goal through Reg BI.

SIFMA appreciates and shares the interest of Representative Casten and the Committee on Financial Services in advocating for robust investor testing of retail investor disclosures. We agree that in many cases, investor testing is appropriate and makes sense. We believe disclosures are designed to give the investing public the information they need to make informed financial decisions but could be held up in an endless loop of repeated testing if the underlying bill is enacted. SIFMA therefore supports the proposed amendments made by Representatives Huizenga and Wagner, which improve the legislation and offer a better approach to investor testing.

We appreciate the opportunity to comment and we appreciate your consideration of our views. If you have any questions or require any additional information, please feel free to contact us.

Sincerely,
KENNETH E. BENTSEN, JR.,
President & CEO, Securities Industry and Financial Markets Association.

SIFMA,
October 16, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER MCCARTHY: The Securities Industry and Financial Markets Association (SIFMA) appreciates the opportunity to comment on H.R. 1815, the ''SEC Disclosure Effectiveness Testing Act.'' H.R. 1815 would impose on the Securities and Exchange Commission (''SEC'') an investor testing requirement for all past and future broker-dealer regulations, with some exceptions, about disclosure to retail investors.

SIFMA appreciates and shares the interest of Representative Casten and the Committee on Financial Services in advocating for robust investor testing of retail investor disclosures. We agree that in many cases, investor testing is appropriate and makes good common sense. In fact, the SEC conducted extensive investor testing of the proposed Form CRS, an important component of the Regulation Best Interest rulemaking package (collectively, ''Reg BI'')—the most comprehensive enhancement of standard of conduct rules governing broker-dealers since the enactment of the Securities Exchange Act of 1934. The SEC's testing involved both a comprehensive national survey to collect information on the opinions, preferences, attitudes, and level of self-assessed comprehension of the Form CRS, as well as qualitative interviews to obtain further insights related to the reasoning and beliefs behind individuals' attitudes toward the Form CRS.

Reg BI has been fully effective since September 10, 2019 and has a compliance date of June 30, 2020. Further testing of Reg BI would unduly interfere with and delay the implementation process which is already well underway. Ultimately, the bill would divert valuable and limited regulatory resources and thereby undermine the roll-out of a significantly strengthened best interest standard of conduct designed to better protect and serve retail investors.

Over the past several months, the SEC and FINRA have been working diligently to assist financial services firms in answering Reg BI interpretive questions and developing Reg BI compliance programs. Late last month, the SEC published a small entity compliance guide to Reg BI. Just last week, FINRA published a Reg BI compliance checklist and announced additional resources to aid firms in compliance.

Based on our firm belief in the heightened strength of the new Reg BI conduct standards and their value to everyday investors, SIFMA respectfully opposes H.R. 1815. We believe the bill would likely unnecessarily delay the implementation of historically new set of regulations that would provide strong investor and consumer protections for forty-three million households. SIFMA has long supported enhancing the standard of conduct applicable to broker-dealers when providing personalized investment advice about securities to retail investors and we believe the SEC has succeed in accomplishing this important goal through Reg BI.

Further, enactment of the bill as written, despite the carve outs listed in the manager's amendment, will subject other rules that apply to broker dealers under the federal securities laws to retroactive review and testing, including Form ABD, Investment Company Act disclosures, Trust Indenture Act disclosures, order routing, order execution, penny stock disclosures and others. These disclosures are designed to give the investing public the information they need to make informed financial decisions, but could be held up in an endless loop of repeated testing under the bill. While we understand and appreciate that this was likely not the Committee's intent or purpose, we believe that imposing such a requirement would likely result in an unprecedented, costly, resource intensive undertaking by the SEC.

We appreciate the opportunity to comment and we appreciate your consideration of our views. If you have any questions or require any additional information, please feel free to contact us.

Sincerely,
KENNETH E. BENTSEN, JR.,
President & CEO, Securities Industry and Financial Markets Association.

OCTOBER 16, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER MCCARTHY: The undersigned associations, representing investment advisers, broker-dealer firms, life insurers and their financial professionals as well as registered investment companies, appreciate the opportunity to comment on H.R. 1815, the ''SEC Disclosure Effectiveness Testing Act,'' which would impose on the Securities and Exchange Commission (''SEC') an investor testing requirement for all past and future regulations, with some exceptions, about disclosure to retail investors.

We appreciate and share the interest of Representative Casten and the Committee on Financial Services in advocating for robust investor testing of retail investor disclosures. Retail investors should be provided clear and understandable disclosures, and we agree that in many cases, investor testing

makes good common sense. However, we are concerned that this legislation will have an immediate negative impact on retail consumers as it would interfere with the implementation of the Regulation Best Interest rulemaking package (collectively, ''Reg BI'')—the most comprehensive enhancement of standard of conduct rules governing broker-dealers since the enactment of the Securities Exchange Act of 1934. This result is nonsensical—as investor testing was part of SEC's Reg. BI rulemaking promulgation. Specifically, the SEC conducted extensive investor testing of the proposed Form CRS, an important component of the Regulation Best Interest rulemaking package. The SEC's testing involved both a comprehensive national survey as well as qualitative interviews with investors.

Reg BI has been fully effective since September 10, 2019 and has a compliance date of June 30, 2020. Financial services firms have spent months developing Reg BI compliance programs, and further testing of Reg BI would unduly interfere with and delay this ongoing implementation process. Based on our firm belief in the heightened strength of the Reg BI conduct standards that will better protect forty-three million households, we respectfully oppose H.R. 1815.

Further, despite the carve outs in the manager's amendment, enactment of the bill as written will subject other rules regarding disclosure to retail investors to retroactive review and testing. These rules include, among others, retail disclosure requirements that are designed to give consumers the information they need to make informed investing decisions. Under H.R. 1815, however, these existing rules could be held up in an endlessly iterative loop of repeated testing.

In addition, with respect to future rulemakings, the SEC is well-positioned to determine the most efficient way to test and support their disclosure related rulemakings. The SEC conducting investor testing may or may not be appropriate, depending on the rulemaking. For each rulemaking, however, the SEC already is required to seek public comment; the comment period is intended to get public input, including from investors and entities that represent investors and entities that regularly engage with investors. In this way, the SEC is able to get real insights into what may or may not work well for investors. H.R. 1815 may impede rulemakings intended to provide valuable information to investors, a cost that exceeds its possible benefits.

We appreciate the opportunity to comment and your consideration of our views. If you have any questions or require any additional information, please feel free to contact us.

Sincerely,

American Council of Life Insurers (ACLI).
Financial Services Institute, Inc. (FSI).
Institute for Portfolio Alternatives (IPA).
Insured Retirement Institute (IRI).
Investment Company Institute (ICI).
National Association of Insurance and Financial Advisors (NAIFA).
Securities Industry and Financial Markets Association (SIFMA).
U.S. Chamber of Commerce.

Mr. HUIZENGA. Mr. Chair, I reserve the balance of my time.

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

Mr. Chairman, H.R. 1815 is a commonsense bill that is supported by our Nation's seniors, investment advisers, and investor advocates. Here is what they have said about the bill:

According to AARP, they wrote: ''AARP, on behalf of our nearly 38 million members and all older Americans nationwide, is pleased to endorse H.R. 1815, which would require the Securities and Exchange Commission to conduct investor testing when developing rules and regulations about disclosures to retail investors. Robust investor testing of retail investor disclosures will assist investors in getting the information they need to make informed choices about their hard-earned savings.''

According to the Financial Planning Coalition: ''The coalition believes that H.R. 1815 would provide the statutory framework necessary for the SEC to ensure to Congress and Main Street investors that disclosures required under SEC rules have been thoroughly and adequately tested by the SEC and are reasonably effective in achieving their intended purpose.''

According to the Consumer Federation of America: ''Disclosure is both an important investor protection tool and a regulatory requirement that imposes significant cost on industry. We, therefore, have an obligation to make those disclosures as effective as possible. H.R. 1815 would help to achieve that goal by updating the SEC's approach to disclosure development. Anyone who supports commonsense, evidence-based regulation should support this legislation.''

Mr. Chair, before reserving the balance of my time, I include in the Record correspondence from the Financial Planning Coalition, the AARP, and the CFA, that is the Consumer Federation of America.

Financial Planning Coalition,
October 11, 2019.

Re Support for H.R. 1815, the ''SEC Disclosure Effectiveness Testing Act''.

Dear Member of Congress: On behalf of the Financial Planning Coalition (Coalition), we are writing to express our strong support for H.R. 1815, the ''SEC Disclosure Effectiveness Testing Act.'' We encourage you to support the legislation when it is considered on the House floor in the coming week.

A fundamental public policy goal of the federal securities laws is to ensure full and adequate disclosure of ''material'' information to American investors. The expectation is that the disclosure will assist investors in making an informed investment decision. Given this, we appreciate the work the U.S. Securities and Exchange Commission's (SEC) Office of the Investor Advocate has done to identify and confront the challenges to improve investor disclosure.

Research conducted on behalf of AARP, Consumer Federation of America and the Coalition organizations, as well as separate research conducted by the SEC, all highlight the challenges and difficulties in developing clear, understandable investor disclosures. Information about financial issues and investments is often complex and technical in nature, and investor comprehension of this information typically is poor. All too often, mandated disclosures contain technical language and concepts that, as research confirms, are confusing to or misunderstood by investors. Indeed, research studies prove time and again how difficult it is to convey even the most basic financial and investment concepts in a way that typical Main Street investors understand.

To determine whether proposed investor disclosures would be effective at achieving their regulatory purpose of informing investor decision-making, it is not enough simply to survey investors generally on their likes or preferences. Thorough and adequate investor testing must go beyond that and, more importantly, must assess investors' ability to integrate information and synthesize it into a rational evaluation. This involves a more complex and higher-level cognitive skill. Conducting thorough one-on-one cognitive testing is the only proven way to determine whether a proposed disclosure document will achieve its intended purpose.

For these reasons, we are particularly pleased that the proposed legislation includes a requirement for qualitative testing in the form of one-on-one cognitive interviews of investors. A deeper look into the way investors analyze and synthesize information is necessary to determine the usefulness and effectiveness of any disclosure document in an investor's decision-making process.

The Coalition believes that H.R. 1815 will provide the statutory framework necessary for the SEC to ensure to Congress and Main Street investors that disclosures required under SEC rules have been thoroughly and adequately tested by the SEC and are reasonably effective in achieving their intended purpose. The legislation to be considered on the House floor appropriately clarifies that the scope of testing is limited to those disclosures that are intended to be used by retail investors in choosing a financial professional or investment product. The modified legislation to be considered on the House floor makes additional important clarifications that the Coalition supports.

We urge a ''Yes'' vote when the legislation comes up for a vote on the House floor.

Sincerely,

Kevin R. Keller, CAE,
Chief Executive Officer, CFP Board.
Lauren Schadle, CAE,
Executive Director/CEO, FPA™.
Geoffrey Brown, CAE,
Chief Executive Officer, NAPFA.

AARP®
Washington, DC, October 16, 2019.

Hon. Maxine Waters,
House of Representatives,
Washington, DC.

Dear Chairwoman Waters: AARP, on behalf of our nearly 38 million members and all older Americans nationwide, is pleased to endorse H.R. 1815, which would require the Securities and Exchange Commission (SEC) to conduct investor testing when developing rules and regulations about disclosures to retail investors. Robust investor testing of retail investor disclosures will assist investors in getting the information they need to make informed choices about their hard-earned savings.

AARP has a long history of fighting for investor protections and is especially eager to provide clarity and transparency to the often confusing and overly complicated investment world. AARP has experienced firsthand the value of investor testing to provide individuals with meaningful information needed for financial decision-making. In response to the SEC's proposed Client Relationship Summary (CRS) disclosure forms, AARP commissioned two, independent rounds of research

and testing to gauge retail investor understanding. The findings provided valuable information that helped guide our recommendations for design and content modifications to improve consumer understanding. AARP believes that such retail testing should be utilized extensively by the SEC for the development of effective, consumer facing disclosures.

AARP appreciates that creating effective disclosure is often a difficult and daunting task. We also understand that the price of ineffective disclosures can be poor investment decisions and inadequate levels of retirement savings. We believe testing is imperative for facilitating informed decisionmaking on the part of consumers trying to save and invest their hard-earned money.

We look forward to working with you and your colleagues to increase transparency and access to critical and understandable information, as well as facilitate informed decisionmaking for older Americans making investment decisions and saving for their retirement. If you have any questions, please feel free to contact me.

Sincerely,

BILL SWEENEY,
Senior Vice President, Government Affairs.

CONSUMER FEDERATION OF AMERICA.

DEAR REPRESENTATIVE: We understand that H.R. 1815, the SEC Disclosure Effectiveness Testing Act, will soon be brought to the House floor for a vote. We are writing to urge you to vote yes on this pro-investor bill, which would help to ensure that the disclosures retail investors rely on convey as effectively as possible the key information needed to make an informed choice about decisions that are critical to their financial wellbeing.

The sad reality is that the disclosures investors receive when choosing investment professionals or evaluating investment options often do a poor job of conveying critically important information in a way that typical retail investors can understand. This includes cost disclosures that don't clearly convey costs, risk disclosures that don't clearly convey risks, and conflict of interest disclosure that do not clearly convey the nature or impact of those conflicts. Evidence of this can be found, for example, in a 2018 SEC proposal to create a summary prospectus for variable products that, while sound in concept, is long, dense, poorly organized, and full of technical jargon.

As a result, retail investors, and particularly the least sophisticated retail investors, are too often flying blind when making investment decisions that will affect their ability to afford a secure and independent retirement or fund other long-term financial goals. There are several reasons for this. One is the inherent difficulty of the Securities and Exchange Commission's task of developing clear disclosures of complex topics for a non-expert retail audience. But the other is the SEC's failure to adopt best practices widely used by industry and some other government agencies to develop more effective disclosures, including incorporating qualitative testing of disclosure effectiveness early in the development process.

This bill would help to correct the second of these two problems. It would do so, first, by requiring the SEC to incorporate qualitative disclosure effectiveness testing in the development of new disclosures designed for retail investors. Importantly findings of the testing would have to be made available for public comment. This would both hold the SEC accountable for addressing those findings in any rulemaking subject to the testing requirement and provide all stakeholders with an opportunity to weigh in.

Second, the bill would require the SEC, with input from the Office of Investor Advocate, to develop a plan for testing existing retail disclosures, without imposing a rigid timeframe for completing that review. Appropriately, disclosures primarily relied on by institutional investors, analysts, and other sophisticated market participants would not be subject to the testing requirement. This, along with the involvement of the Office of Investor Advocate in determining which existing disclosures are priorities for testing, would help to ensure resources are devoted to testing the disclosures most important for retail investors.

Disclosure is both an important investor protection tool and a regulatory requirement that imposes significant costs on industry. We, therefore, have an obligation to make those disclosures as effective as possible. H.R. 1815 would help to achieve that goal by updating the SEC's approach to disclosure development. Anyone who supports common sense, evidence-based regulation should support this legislation.

Respectfully submitted,

BARBARA ROPER,
Director of Investor Protection.
MICAH HAUPTMAN,
Financial Services Counsel.

Ms. WATERS. I reserve the balance of my time.

Mr. HUIZENGA. Mr. Chair, may I inquire how much time is remaining on each side and whether the gentlewoman is prepared to close at this time.

The CHAIR. The gentleman from Michigan has 21½ minutes remaining. The gentlewoman from California has 14 minutes remaining.

Ms. WATERS. Mr. Chair, I am prepared to close.

Mr. HUIZENGA. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, I do want to point out that as the gentlewoman from Missouri and I were chatting a little bit about this, it is amazing, when this issue came to a head at the end of the Obama administration, there was a massive move away from the Securities and Exchange Commission where this Reg Best Interest traditionally has been the domain of such regulation and was moved over to the Department of Labor.

Why? Because the administration believed they needed to move so quickly and they couldn't get the Securities and Exchange Commission to act and agree—parenthetically, agree—with them as to what it should look like, they kicked it over to the Department of Labor, which has a small little silver of oversight of this area because of pensions. But, nonetheless, they came up with a wholly unsatisfactory rule that caused a tremendous amount of confusion. The Securities and Exchange Commission put itself forward and said: No, we need to get this done.

That is what kicked off all of the roundtables and the interviews and the 1,800 surveys and the 6,000 comment letters. We are now at this point where we can deliver on much-needed reform, and my colleagues across the aisle want to kick it backwards.

Now, Mr. Chairman, you heard the author say that they are not interested in relitigating current rulemaking, so I look forward to them all supporting my amendment that we are going to be talking about. And let's exempt Form CRS and the Reg BI. But I am afraid, Mr. Chair, that is not their goal and intent. I am afraid that they don't like the policy; therefore, they want to go back in and delay.

When the gentleman was talking about how there was no changes because of this, that is simply not true. The Form CRS went from four pages down to two pages, with significant, simplified changes that were inserted into that.

And so that is the goal and objective at the end of the day, Mr. Chairman: to protect investors, to give them certainty and clarity; to give those who provide the advice to them certainty and clarity; and, frankly, to move forward.

I am afraid that H.R. 1815 here does the exact opposite. It is going to delay it. It is going to make it even more murky than what it had been previously.

I just want to urge my colleagues to think this through, what they are proposing to do to the Securities and Exchange Commission, the power of the Securities and Exchange Commission.

And again, my first term was spent listening to how the Republicans ''were trying to destroy the Securities Exchange Commission'' by not funding them enough, by not allowing them to do their job, by not having the appointees do what their backgrounds and expertise would allow them to do. I never bought that charge, Mr. Chairman, because it simply wasn't true.

But we can see clearly, right now, this is a delaying tactic by the opposition; and how we would put not just current rulemaking, not just future rulemaking, but even past rulemaking back into this system would simply be a huge mistake.

Mr. Chairman, I urge my colleagues to oppose this bill, and I yield back the balance of my time.

□ 1300

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

Mr. Chairman, I must admit that I am a bit surprised at this opposition. I am a bit surprised at this opposition because, first of all, everyone must understand that the SEC is our cop on the block. This agency has, as its basic mission, to protect investors.

Who best to be protected than the small, retail investors? We have so many schemes, so much fraud that we witness every day that is being brought forth to basically take advantage of the most vulnerable people in our society, many of them who don't have a lot of resources, who don't have money that they could lose. So, we believe that they must understand in what they are investing.

This is not about the big, institutional investors. This is about your retail investors. This is about the little

guy. This is about those people who are depending on the information that they get and their investment advisers to help guide them so they can have enough money in retirement, for example.

Why is it we would have any elected official coming to represent the people from their districts who would be opposed to making sure that these small investors are represented, that they are protected, that they are cared about?

So, I am surprised at this opposition, and I don't know why there would be so much time spent saying that the SEC does not need to do additional kinds of testing, that they don't need to be concerned about these disclosures.

What is it you need to protect about the SEC from doing its basic job? I don't understand that.

But, however, let me just say that H.R. 1815 is a commonsense bill that benefits mom-and-pop investors by putting a process in place to ensure that the SEC's disclosures are clear and comprehensible for those investors.

A disclosure is only useful if it can be understood by its audience, and this legislation ensures that disclosures are tested in a robust way so that they are clear.

This bill is supported, again, by groups such as the AARP, our seniors; the Financial Planning Coalition; and the Consumer Federation of America, looking out for consumers.

I, again, commend Representative CASTEN for putting forth this important legislation, and I thank him for his work. But, more than that, I thank him as a new Member of Congress who understands that his job, his responsibility, is to look out for his constituents and for the small investors, the little people, those people who need some protection, those people who don't need to be ripped off, those people who need to have clear information and disclosure about what they are getting into.

I thank Representative CASTEN for his vision, for his foresight, and for understanding the responsibility of the SEC.

Mr. Chair, I urge all Members to vote ''yes'' on this bill, and I yield back the balance of my time.

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.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–34 modified by the amendment printed in part A of House Report 116–237, shall be considered as adopted. The bill, as amended, shall be considered as the original bill and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 1815

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 Disclosure Effectiveness Testing Act''.

SEC. 2. DISCLOSURE TESTING.

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

''(4) INVESTOR TESTING.—

''(A) IN GENERAL.—The Commission shall engage in investor testing prior to issuing any rule or regulation which designates documents or information to be disclosed under the securities laws, if such documents or information are required to be delivered to, and are intended or substantially likely to be materially relied upon by, a retail investor when—

''(i) selecting a broker-dealer or investment adviser, evaluating their services and fees, or materially altering a brokerage or advisory relationship;

''(ii) assessing a securities recommendation or investment advice provided by a broker- dealer or investment adviser;

''(iii) making a decision to purchase or sell a security; or

''(iv) such other circumstances as the Commission may, with input from the Investor Advocate, determine appropriate for the protection of retail investors.

''(B) EXEMPTION FOR CERTAIN DISCLOSURES.—This section shall not apply to—

''(i) disclosures made pursuant to Regulations S-K and S-X (including Industry Guides), Regulation 14A, Form N-PX, Form 10-K, Form 10-Q, Form 8-K, Form SD, Form N-PORT, Form PF, Regulation SBSR, disclosures mandated by or jointly with the Board of Governors of the Federal Reserve System or the Financial Stability Oversight Council, or successors thereto; or

''(ii) any other documents or information that the Commission, with input from the Investor Advocate, determines are outside the intended scope and purposes of this Act.

''(C) COMMISSION AUTHORITY TO CONDUCT ADDITIONAL TESTING.—This section shall not be construed to limit the Commission's ability to conduct any investor testing on any other documents or information not subject to this section 23(a), provided that any such investor testing shall not be subject to the requirements of this section 23(a).

''(D) CONTENTS.—Investor testing conducted pursuant to subparagraph (A) shall include the following:

''(i) Qualitative testing in the form of one-on-one cognitive interviews of retail investors about documents or information, or samples of such documents or information, to be provided.

''(ii) Such other forms of testing that the Commission, with input from the Investor Advocate, deems appropriate for evaluating the effectiveness of retail disclosures.

''(iii) Analysis and publication in the Federal Register of the results of the testing.

''(iv) An opportunity for the public to comment on such results published in the Federal Register.

''(E) SUBSTANTIVE CHANGES.—If the Commission, in the period between engaging in investor testing and publishing a final rule, makes substantive changes to such rule that the Commission determines would have a significant impact on retail investors, and such changes were not already investor tested, the Commission shall again engage in investor testing related to such changes.

''(F) PUBLIC AVAILABILITY OF RETAIL TESTING RESULTS.—The Commission shall make the data and results of any investor testing performed pursuant to this paragraph available to the public.

''(G) RULES OF CONSTRUCTION.—

''(i) The determination that some or all of a document or information is deemed to be subject to this paragraph shall not forestall the determination that such document or information may also be used or relied upon by the public, market participants other than retail investors, or government agencies.

''(ii) The Commission may, in consultation with the Investor Advocate, determine which, if any, components of such document or information are substantially likely to be relied on by retail investors for the purposes outlined in paragraph (4)(A) above and focus testing under this paragraph on those components of the disclosure.

''(iii) Notwithstanding clause (ii) above, where any information subject to testing under this paragraph may be used or relied upon by the public, market participants other than retail investors, or government agencies, the results of testing made pursuant to this paragraph shall not provide grounds for reducing or eliminating (including any undermining of reliability of and accountability for) the information that existing or proposed regulation requires or would require be made available to the public, market participants other than retail investors, and government agencies, whether or not such information is delivered to retail investors.''.

(b) PARTICIPATION OF INVESTOR ADVOCATE.—Section 4(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(g)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D)(ii), by striking ''and'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following: ''(E) engage in investor testing—

''(i) to carry out the functions of the Office; and

''(ii) pursuant to section 23(a)(4), as appropriate; and'';

(2) by adding at the end the following:

''(9) PUBLICATION OF DATA AND RESULTS OF INVESTOR TESTING.—With respect to any investor testing carried out by the Investor Advocate pursuant to paragraph (4)(E), the Investor Advocate may make the data and results of such investor testing available to the public, without further review or editing by the Commission.

''(10) PERSONNEL.—If the Investor Advocate decides, within its sole discretion, to conduct testing under this Section, the Investor Advocate may do so and the Commission shall provide the Office of the Investor Advocate with sufficient personnel and funding necessary to carry out such testing. Such testing may qualify as the testing covered by this section, provided that all requirements of the section are met.''.

(c) PRIOR RULES.—

(1) IN GENERAL.—For any final rule or regulation issued by the Securities and Exchange Commission (in this subsection referred to as the ''Commission'') before the date of the enactment of this Act that would be subject to investor testing under section 23(a)(4) of the Securities Exchange Act of 1934, had such rule been issued on or after the date of enactment of this Act, the Commission shall perform investor testing with respect to such rule or regulation that includes the contents described in such section 23(a)(4).

(2) SCHEDULE.—The Commission shall, not later than 6 months after the date of the enactment of this Act, with input from the Investor Advocate, establish a schedule for completing any investor testing required under paragraph (1) that prioritizes testing of any final rules and regulations that designate documents or information central to retail investor decision making, and in particular prioritize the testing of documents or information required to be delivered to retail investors in the form of summary documents or summary sections of documents including for the purpose of determining whether and how such summary documents can achieve the goals of informed investor decision-making in the circumstances set forth in Section 23(a)(4) of the Securities 6 Exchange Act of 1934

above while maintaining full accessibility by retail investors, the public, other market participants, and government regulators to the full range of documents and information that they may utilize or rely on, whether or not such documents or information are required to be delivered to retail investors.

(3) REPORT.—The Commission shall, with input from the Investor Advocate, issue a report to Congress each year containing the following:

(A) The status of any investor testing required under paragraph (1) initiated within the last year or otherwise ongoing.

(B) The results of any investor testing completed under paragraph (1) within the last year.

(C) Any priorities the Commission has, based on results of investor testing required by paragraph (1), for—

(i) revising any proposed or final rule or regulation based on the results of testing pursuant to;

(ii) initiating any rulemaking or actions to arising from the results of the testing pursuant to; and

(iii) the Investor Advocate's views on the above priorities and any such other matters arising from the testing or results of testing pursuant to.

The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 116–237. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HUIZENGA

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 116–237.

Mr. HUIZENGA. 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 2, line 17, after ''Guides),'' insert the following: ''Form CRS''.

The CHAIR. Pursuant to House Resolution 629, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA. Mr. Chairman, my amendment is very simple. It would add Form CRS to the list of exempted disclosures that would not require SEC investor testing. They have gone through it.

Now, you just heard one of my colleagues talk about why somebody would oppose this. I can tell you why somebody would oppose this: Because we have been doing it for 7 years.

For 7 years Reg BI has been debated. It has been litigated. It has been confusing. And it is time to move forward.

The Securities and Exchange Commission has done that.

So, again, the author of the bill earlier had said, Mr. Chair, that he was not interested in relitigating current rulemaking. Now is the time to show that. Now is the time to prove that. Support my amendment.

So, Form CRS was part of the Regulation Best Interest rulemaking package. The form is a short, plain-language description of an investor-adviser or a broker-dealer's relationship summary.

It is designed to help retail investors select or determine to remain with an advisory or brokerage firm. They are trying to figure it out.

Importantly, Form CRS was the result of an extensive deliberative process at the SEC. Beyond the typical comment process—and the SEC did consider 6,000 comments for the Reg BI rulemaking package—the SEC also engaged in substantial investor outreach, including in-person meetings across the country; surveys—1,800 of those surveys—and, importantly, engaged the RAND Corporation to perform one-on-one, in-depth investor testing of the proposed Form CRS.

Now, earlier it was claimed, Mr. Chair, that the initial form was unchanged. That is not true. The SEC did figure out that four pages was too long, too confusing. They streamlined that down to two.

So, that is, the SEC did its work—again, for the last 7 years. And we are now at a critical juncture. We can choose to take this road, or we can choose to turn around and head backward. I, for one, do not want to turn around and head backward. I want to provide that protection to my Main Street investors and my constituents back in my district.

So, the SEC did its job. It did testing that was substantially similar to what was proposed by this bill on Form CRS already. It has been 7 years that we have been going through this process. We could not get, under the last administration and in the beginning of this administration, the Department of Labor and the Securities and Exchange Commission to agree on how to move forward.

And when in the Trump administration, this current administration, the Department of Labor was trying to assert itself, the Securities and Exchange Commission did its job and stepped in, which it didn't do under the last administration, and said: Nope. We got it. We are the lead agency. We will take this, and we will come up with a final product.

And the reason why I oppose this bill, certainly without my amendment, is all this does is it reverts back to what we had before this rulemaking was done by the Securities and Exchange Commission. Confusion, muddiness, and uncertainty will be the rule of law, and we are trying to clear that up. The Securities and Exchange Commission is trying to clear that up.

Mr. Chair, I reserve the balance of my time.

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

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

Ms. WATERS. Mr. Chair, this amendment is unnecessary and could undermine the investor understanding of how retail investors relate to brokers.

H.R. 1815, the SEC Disclosure Effectiveness Testing Act, simply requires the Securities and Exchange Commission to test its documents with retail investors through one-on-one interviews and surveys to ensure that disclosure documents intended for retail investors are actually understood by their target audience.

H.R. 1815 is in no way intended to repeal Regulation Best Interest, a rule adopted by the SEC in June to change the standard of conduct for brokers when providing retail investors with personalized investment advice.

And, to be clear, the bill does not require testing of the standard imposed by the SEC under Regulation Best Interest. Instead, it requires testing of how well retail investors understand the standard and how it impacts the advice they receive, along with any other disclosures.

In addition, the bill contemplates that the SEC, in consultation with the investor advocate, would develop a schedule of disclosures that it intends to test and report to Congress. There is nothing in the bill that requires investor testing of disclosures related to Regulation Best Interest on day one of enactment.

But this amendment would say that the SEC should never test these disclosures, regardless of changes to the markets, investment product offerings, investor behaviors, and investment trends. This makes little sense, particularly considering the rise of riskier products like cryptocurrencies that are being targeted to retail investors.

I would also point out that, to the extent that the SEC, in consultation with the investor advocate, determines that it should make substantial changes to the disclosures that would have a significant impact on retail investors, H.R. 1815 would simply require the SEC to test new and existing disclosure forms to ensure that they are actually understood by the intended audience.

Mr. Chair, I oppose this amendment, I ask all of my colleagues to do so, and I reserve the balance of my time.

Mr. HUIZENGA. Mr. Chairman, just to address a couple of things: This bill clearly says it will add Form CRS to the list of exempted disclosures that would not require SEC investor testing. It has nothing to do with cryptocurrencies unless, somehow, magically, a crypto broker appears.

There is no such thing. It has no application. This amendment is only going to be narrow. It is going to exempt Form CRS from having to go through this again.

The author of the bill had said that he had no interest in relitigating current rulemaking. Here is the opportunity to prove it because, I would hope, Mr. Chairman, that we would all agree that Form CRS does not need to be subject to further testing.

It has been 7 years. I don't want it to be another 7 years. As my colleague from Indiana earlier was saying, 600 rules at 6 months per rule is 300 years. We don't have that time.

Mr. Chair, I hope that my colleagues would support my amendment, and I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I would like to inquire how much time I have remaining.

The CHAIR. The gentlewoman from California has 2½ minutes remaining.

Ms. WATERS. Mr. Chair, I yield the balance of my time to the gentleman from Illinois (Mr. CASTEN), the sponsor of this important legislation.

□ 1315

Mr. CASTEN of Illinois. Mr. Chairman, I rise in opposition to the Huizenga amendment, and I want to clarify a couple of points.

The bill gives the SEC Office of the Investor Advocate a larger role to prioritize which disclosures to test. The bill also says that once testing is completed and is found to be clear, there is no need to do further testing unless there are substantive changes.

To argue that every single bill is going to have to be reviewed every single time is not an argument that is made in good faith. The question here on the amendment is simply: Should we exempt one single form from the broad discretion given to the SEC in this rule? It is not clear to me why you would exempt Form CRS from investor testing, unless you don't want investors to understand the fees, costs, or conflicts of interest of investment professionals.

We know, through the testing that was done, that Form CRS appeared to be helpful for investors who had already read similar documents and who had more investing experience. And we know from the testing that was done that Form CRS, as currently written, is not that helpful for investors who haven't otherwise read similar documents.

We can't tie the SEC's hands in determining which disclosure documents need further investor testing. But if we are sitting here and believe that we have an obligation to look out for the best interests of the American people, for investors, for Main Street investors, then the only choice before us is to vote ''no'' on this amendment, and I encourage all of my colleagues to do so.

Ms. WATERS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA).

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

Mr. HUIZENGA. 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 Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. GOTTHEIMER

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 116–237.

Mr. GOTTHEIMER. 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 4, insert after line 8 the following:

(v) A consideration of unique challenges faced by retail investors age 65 or older.

The CHAIR. Pursuant to House Resolution 629, the gentleman from New Jersey (Mr. GOTTHEIMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GOTTHEIMER. Mr. Chairman, my amendment is straightforward. It simply requires the SEC to specifically consider the unique challenges senior investors face as part of its overall investor testing.

Since I took office, I have been committed to helping seniors save their hard-earned money for retirement so they can afford to stay in New Jersey and enjoy their lives with their kids and grandkids.

Unfortunately, there are millions of senior investors across the country who have been the victims of financial scammers, hucksters, and snake oil salesmen who have cheated them out of their rightful retirement.

That is why, earlier this year, I introduced the Senior Security Act, bipartisan legislation that overwhelmingly passed out of the House to help the SEC protect vulnerable seniors from predatory scams and financial abuse.

This amendment is another critical step in making sure that the SEC continues to do right by our seniors, by making sure there is explicit consideration of senior investors as they proceed with investor testing.

New Jersey seniors have given us so much. I will always have their backs to ensure they have the help they need to stay in Jersey and to protect them from those who would seek to take advantage of them.

I thank my colleague and friend, Mr. CASTEN, for introducing this bill and for his commitment to protecting seniors. I thank the chairwoman also for her excellent leadership. And I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUIZENGA. Mr. Chairman, I rise in opposition to the proposed amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. HUIZENGA. Mr. Chairman, I share my colleague's concerns about the challenges that senior investors face. I have had that with my own parents, who, unfortunately, are no longer with us. But I was a part of those investment discussions and decisions, and I had a brother who was very, very involved in that and a sister who also. We all worked together as a family, trying to figure this all out. This is a concern that all of us had.

The author of the amendment was also the author of the Senior Security Act, which I supported, and massive bipartisan support came out of this House. Many people would be surprised about that, I would bet.

But I am opposed, however, to adding to the already significant requirements of this investor testing bill. I will note that the bill, as drafted, would already require that the SEC do whatever testing it, in consultation with the Office of the Investor Advocate, determines is ''appropriate for evaluating the effectiveness of retail disclosures.''

It doesn't say for young people. It doesn't say middle-income people. It doesn't say for old people. It says for everyone. This is already covered.

Earlier, you heard my amendment, that I was going to add to an exemption. Well, there is already a list of exemptions, that forms are exempted. Mine would have been in addition to that.

The purpose of my amendment and my opposition to this amendment is to simplify, not to make it duplicative, not to make it more complicated, not to make it more cumbersome, burdened, and bureaucratic.

As I read it, for the amendment to have any type of meaning, the amendment suggests that testing is either: A, flawed as it currently is; or, B, wouldn't consider seniors.

I am assuming that is not what the author is intending to do, to question that.

I just see this as unnecessary, duplicative testing that would add to the bill's cost and expand another layer of bureaucracy that doesn't ultimately help those retail investors. John and Jane 401(k), those mom-and-pop investors, whatever title you want to put to them, they need to be our focus.

Now, there is a cottage industry of now-congressionally mandated investor testers. I am not really interested in continuing to give them jobs. I want to make sure that we protect those investors, but also give them that protection in a timely manner because timeliness is part of that protection.

Mr. Chairman, I reserve the balance of my time.

Mr. GOTTHEIMER. Mr. Chairman, I would like to add one thing. Given the gravity of the situation with seniors in this country getting scammed out of billions of dollars or more every year, I don't think we can do enough.

The only thing I would urge my friend here is, anything we can do to actually protect our seniors, we should be doing because what we are doing now is not working.

When I go anywhere, I hear from seniors about these awful instances and stories of what is happening to them on these calls and getting defrauded. I think anything that we can do to help protect our seniors and go the extra

mile to help them is critically important. This is a way to do it that I think is effective, efficient, and will get the backs of our seniors, which, to me, is the least we can do for our seniors who have given so much to us.

Mr. Chair, I yield 2 minutes to the gentleman from Illinois (Mr. CASTEN), the sponsor of the bill.

Mr. CASTEN of Illinois. Mr. Chairman, I rise in support of the Gottheimer amendment. I would like to thank my friend, Representative GOTTHEIMER, for his amendment and for his longtime support for seniors and their financial health.

This amendment rightfully highlights that the SEC should take into account the unique circumstances that seniors face in making investment decisions when they do their investor testing.

The financial health of seniors is critically important, and I am delighted that this bill has the support of the AARP and the 38 million seniors who they represent across our country. I stand with them in making clear that effective disclosure testing is imperative for facilitating informed decision-making for Americans trying to save and invest their hard-earned money.

I urge my colleagues to vote ''yes'' on the Gottheimer amendment.

Mr. HUIZENGA. Mr. Chair, I am prepared to close. I am curious on the remaining balance of time on both sides.

The CHAIR. The gentleman from Michigan has 2 minutes remaining. The gentleman from New Jersey has 2 minutes remaining.

Mr. HUIZENGA. Mr. Chair, I reserve the balance of my time.

Mr. GOTTHEIMER. Mr. Chairman, I would like to add, just one more time, to the critical importance, please.

There is a reason why I think Mr. CASTEN and so many others have been driving this bipartisan legislation, and why the Senior Security Act was bipartisan is for a pretty simple reason.

We all recognize that we have to do whatever possible to keep these fraudsters, these hucksters, these snake oil salesmen from scamming our seniors. It is beyond upsetting when you hear these stories of what has happened to our moms, our dads, and so many people in our community who have been, frankly, ripped off by these scam artists.

This legislation—not just this amendment, but the legislation—will help protect our seniors; will help protect investors; and with my amendment, will make sure that when people are ready to retire, they have the nest egg they need to not just take care of themselves and have the medicine they need but, of course, buy a gift for their grandkid and make sure they are able to have those resources that they spent their whole lives saving for.

Mr. Chairman, I yield back the balance of my time.

Mr. HUIZENGA. Mr. Chairman, again, my opposition to the amendment has nothing to do with putting seniors in danger. In fact, that is why I supported a litany of bills and a package of bills that included the author's Senior Security Act this last April. The House is unified in supporting seniors. What we are not unified in is supporting bureaucracy.

By the way, the aforementioned that I had talked about, the Office of the Investor Advocate, would you like to know where that came from? The Dodd-Frank Act.

What this amendment is saying is the Dodd-Frank Act failed in protecting seniors. The Dodd-Frank Act must have failed in protecting investors because we now need to have a specific, senior-worded sort of category that needs to be looked out after.

The law is supposed to be blind, whether you are young, old, middle income, rich, poor, whatever it is. That protection also goes there.

My opposition, again, is not about who has been affected but what is going to slow down that protection that those people deserve.

Reasonable cost equals access. If we continue to increase costs, it limits the ability for people to access that protection, that advice. That is why I rise in opposition to my friend's amendment.

Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GOTTHEIMER).

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

Mr. GOTTHEIMER. 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 New Jersey will be postponed.

AMENDMENT NO. 3 OFFERED BY MRS. WAGNER

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 116–237.

Mrs. WAGNER. 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 1, line 11, insert after ''regulation'' the following ''after January 21, 2021''.

Page 7, strike line 12 and all that follows through the end.

The CHAIR. Pursuant to House Resolution 629, the gentlewoman from Missouri (Mrs. WAGNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. WAGNER. Mr. Chairman, I rise in support of my amendment to H.R. 1815, which would apply the bill's additional investor testing requirements only to disclosure documents developed after January 21, 2021.

If enacted, this legislation would hinder the implementation of important rules designed to better protect Main Street investors, particularly, the SEC's Regulation Best Interest rule. This rule has been in effect since September 10, 2019, but it has a compliance date of June 30, 2020.

If further and ongoing testing were required, it would onerously roll back and delay further—after 7 years of testing, debate, deliberation, comment periods, litigation, it would only roll back and further delay, Mr. Chairman, all of the SEC's efforts to better protect those retail investors.

□ 1330

The bottom line is that this legislation is duplicative for rules already under consideration. The SEC has already conducted extensive investor testing of the proposed Form CRS, a component of the Regulation Best Interest rule. This is nothing, Mr. Chairman, but a political ploy, rope-a-dope, more neglect in not doing the work of the people. It does not serve those low- and middle-income investors, those constituents of mine in Missouri's Second Congressional District.

It makes no sense to go back and conduct repetitive investor testing, leaving broker dealers and their clients—again, there are low- and middle-income investors—without a uniform best interest standard.

That is why I ask all of my colleagues to support this commonsense amendment, and if it is not agreed to, to oppose the underlying bill, H.R. 1815, that does nothing but delay and disserve the people that we should be working hard to protect, those low- and middle-income retail investors that are a part of our beautiful and wonderful Main Street districts.

I reserve the balance of my time.

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

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

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

First, let me just say, no matter how many amendments the opposite side can come up with, no matter how many ways they try to explain why they are not speaking for the retail investors, the small folks, the people with not a lot of resources, the people who depend on good information to be disclosed to them, they can come up with all the amendments they want, but no one thinking clearly about this will understand why they are trying to protect the SEC, our cop on the block, from doing everything they possibly can do to protect our seniors and our most vulnerable people.

So H.R. 1815 seeks, again, to ensure that disclosures specifically designed for the most vulnerable investors, including mom-and-pop retail investors, can actually be used and understood by their intended audiences. Isn't that a simple request in this bill, that our most vulnerable retail investors understand what they are investing in, that that information should be disclosed to them? I don't get the arguments against it.

This amendment, however, directly conflicts with the scope of the bill,

which covers new as well as existing disclosures. Requiring existing disclosures to be subjected to investor testing makes good sense. Evidence has shown many existing disclosures are not understood. The evidence is there that tells you that we have discovered that the disclosures are not understood by these vulnerable people. We have information that documents that, that the investors, the small investors, these seniors, don't understand. This bill is about helping them to understand what they are signing on the dotted line for.

Mandatory disclosures that are unused or not understood impose unnecessary costs on the companies making those disclosures, and importantly, fail to inform retail investors of key risks that they should know when making investment decisions.

However, this amendment that is before you would treat disclosures that are put forth before the next Presidential election as perfect, without need for further investor input through testing. Such an exemption is inconsistent with the object and purpose of this bill.

This undermines H.R. 1815 and its value to retail investors. So I could say this another 100 ways, they can come up with all the amendments they want to come up with; the fact of the matter is, this bill that is put forward by Mr. CASTEN is to protect the citizens who need the information the most, because they are vulnerable. And so having said that, I would urge my colleagues to join me in opposing this amendment.

I reserve the balance of my time.

Mrs. WAGNER. Mr. Speaker, may I inquire how much time is remaining?

The CHAIR. The gentlewoman from Missouri has 2 minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mrs. WAGNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. HUIZENGA), the ranking member of the Investor Protection, Entrepreneurship, and Capital Markets Subcommittee, my friend, to speak in support of the amendment and in opposition to the underlying bill.

Mr. HUIZENGA. Mr. Chairman, I thank my colleague and friend for yielding.

Nobody is opposed to the idea of investor testing of SEC disclosure documents. By the way, neither is the SEC. They just proved that, as we know, from their testing of Form CRS.

What I am opposed to, and I believe the gentlewoman is opposed to, is a testing loop. You test and refine, test-refine, test-refine. What is happening in between those time periods? What does it revert back to? And we can get into a death spiral or paralysis by analysis sometimes. Not that we don't have the best intentions and have the SEC move forward, we just need closure.

Again, cost is a part of the access, but timeliness is part of access for everybody as well, and I am just afraid that with what we could get into we are going to be in this testing loop.

Mrs. WAGNER. Mr. Chairman, let me just say, I have been working on this issue and fighting for the retail investors for all 7 of my years here in Congress with several pieces of legislation to bring this to fruition and to always, always hold that retail investor in the best interest to make sure that we are taking care of them and giving them the best advice, the best access, the best cost, but most of all that we secure their savings and their retirement investment and do everything we can to serve in their best interests. And that is why we must bring this after 7 long years to a close.

It is time that we stop playing rope-a-dope with duplicative rules that have already been under consideration and by conducting extensive investor testing that has already been done. The SEC is the absolute body of jurisdiction. They must harmonize with the Department of Labor, and have, and now we have got a short, two-form page. We have got disclosures and titles that are clear that is serving the best interests of our constituents.

I would ask everyone to consider my amendment to H.R. 1815, and if it is not agreed to, to oppose the underlying bill.

Mr. Chair, I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. CASTEN), the author of this bill, to continue to tell the public why we must protect the most vulnerable in our society.

Mr. CASTEN of Illinois. Mr. Chairman, I rise in strong opposition to the Wagner amendment. The wealth that Americans hold in their retirement accounts, in their 401(k)s, in their IRAs, all the places that they hold their wealth, the fees they pay on that wealth, the returns they earn on that wealth do not care when the law was written, or the form was processed.

We know, we have evidence, that many of the existing disclosure documents intended for retail investors are not well understood by their target audience. So I would ask you: What is the cost to your wealth of another percent a year in asset management fees? What is the cost to you, to your wealth, of another percent a year compounding in the growth of your wealth? Multiply that by all the Americans who make their investments. Billions, trillions of dollars.

This amendment was offered as a way to protect people. It is protecting people, but it isn't protecting investors. I strongly urge my colleagues to vote ''no'' on this amendment.

Ms. WATERS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. WAGNER).

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

Mrs. WAGNER. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. CASTEN OF ILLINOIS

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 116–237.

Mr. CASTEN of Illinois. Mr. Chairman, I rise as the designee for the gentleman from New York (Mr. SEAN PATRICK MALONEY) to offer amendment No. 4.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, insert after line 5 the following:

''(H) RETAIL INVESTOR DEFINED.—For the purposes of this paragraph, the term 'retail investor' means any investor that is not an institutional investor.''.

The CHAIR. Pursuant to House Resolution 629, the gentleman from Illinois (Mr. CASTEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. CASTEN of Illinois. Mr. Chair, H.R. 1815 was drafted specifically for SEC disclosures that are required to be delivered to or intended or substantially likely to be materially relied on by retail investors, but not by sophisticated institutional investors like mutual funds or hedge funds.

Representative SEAN MALONEY's amendment clarifies that this bill is intended to protect retail investors. That is a commonsense amendment, which allows the bill to achieve our goal, which is to ensure that mom-and-pop investors are able to use the disclosures intended specifically for them.

I thank Representative MALONEY for this amendment, and I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

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

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. HUIZENGA. Mr. Chairman, this amendment simply attempts to define an unclear and undefined term by making reference to another unclear and undefined term.

For context, let me be clear on where this comes from. The Securities and Exchange Act of 1934 does not define either the term ''retail investor'' or ''institutional investor.'' This amendment pretends to add clarity, but arguably further muddies an already confusing bill by adding a second new undefined term.

In fact, there are some who believe that the amendment might actually expand the bill's reach, because the bill, as amended, could be interpreted to apply to any document designed to reach anybody other than that ''institutional investor.''

So we have a problem here, Mr. Chairman. We have undefined terms. We have muddied, not clear goals and objectives here, and so, I would rhetorically ask, what is an institutional investor? Is it a small-town investment manager who is a sole practitioner, but has set up their own business and now is, thus, an institution? Does the business require multiple employees? Does it require a large number of employees? I, for one, am not sure. Does it have a dollar amount attached to it? It could be one person, a very wealthy person investing millions or a whole bunch of smaller investors, who don't have millions, banding together and now they are suddenly institutional investors.

So let's just not make H.R. 1815 more confusing than it already is. I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

□ 1345

Mr. CASTEN of Illinois. Mr. Chair, I encourage my colleagues to vote for the amendment, and I yield back the balance of my time.

Mr. HUIZENGA. Mr. Chairman, the Securities Exchange Act of 1934 has been a living, breathing document; but in those subsequent years from 1934, there has never been a definition of either ''retail investor'' or ''institutional investor,'' and to hang an amendment on those terms which are undefined legally is simply a mistake.

So, Mr. Chair, I do not support this unnecessarily confusing amendment, and I urge a ''no'' vote on this amendment.

Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. CASTEN).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 116–237 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HUIZENGA of Michigan.

Amendment No. 2 by Mr. GOTTHEIMER of New Jersey.

Amendment No. 3 by Mrs. WAGNER of Missouri.

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

AMENDMENT NO. 1 OFFERED BY MR. HUIZENGA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA) on which further proceedings were postponed and on which the noes 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 188, noes 229, not voting 20, as follows:

[Roll No. 561]

AYES—188

Abraham
Aderholt
Allen
Amodei
Armstrong
Arrington
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Emmer
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Gallagher
Gianforte
Gibbs
Gonzalez (OH)
González-Colón (PR)
Gosar
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Horn, Kendra S.
Hudson
Huizenga
Hunter
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Long
Lucas
Luetkemeyer
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meadows
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Pence
Perry
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rooney (FL)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Shimkus
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Timmons
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Wilson (SC)
Wittman
Womack
Woodall
Young
Zeldin

NOES—229

Adams
Aguilar
Allred
Amash
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Hill (CA)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
Norton
O'Halleran
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Plaskett
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Sablan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Yarmuth

NOT VOTING—20

Babin
Bishop (NC)
Gohmert
Gooden
Granger
Lawson (FL)
Lesko
Loudermilk
McEachin
Ocasio-Cortez
Radewagen
Ratcliffe
Rush
Ryan
San Nicolas
Weber (TX)
Williams
Wilson (FL)
Wright
Yoho

□ 1415

Messrs. PANETTA, O'HALLERAN, ENGEL, and JOHNSON of Georgia changed their vote from ''aye'' to ''no.''

Messrs. CRAWFORD, BILIRAKIS, BURCHETT, and BROOKS of Alabama changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. GOTTHEIMER

The Acting CHAIR (Ms. PINGREE). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GOTTHEIMER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 240, noes 178, not voting 19, as follows:

[Roll No. 562]

AYES—240

Adams
Aguilar
Allred
Axne
Bacon
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fitzpatrick
Fletcher
Foster
Frankel
Fudge
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Hill (CA)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Hurd (TX)
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Mast
Matsui
McAdams
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
Norton
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Plaskett
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Reed
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Sablan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (NJ)
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stefanik
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Webster (FL)
Welch
Wexton
Wild
Wilson (FL)
Yarmuth
Young

NOES—178

Abraham
Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Emmer
Estes
Ferguson
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Gallagher
Gianforte
Gibbs
Gonzalez (OH)
González-Colón (PR)
Gosar
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grijalva
Grothman
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hunter
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marchant
Marshall
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
Meadows
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Pence
Perry
Reschenthaler
Rice (SC)
Riggleman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rooney (FL)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smucker
Spano
Stauber
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Timmons
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Wenstrup
Westerman
Wilson (SC)
Wittman
Womack
Woodall
Zeldin

NOT VOTING—19

Babin
Bishop (NC)
Cárdenas
Gabbard
Gohmert
Gooden
Granger
Lawson (FL)
Loudermilk
McEachin
Radewagen
Ratcliffe
Rush
Ryan
San Nicolas
Weber (TX)
Williams
Wright
Yoho

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1422

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MRS. WAGNER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Missouri (Mrs. WAGNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 188, noes 230, not voting 19, as follows:

[Roll No. 563]

AYES—188

Abraham
Aderholt
Allen
Amodei
Armstrong
Arrington
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Emmer
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Gallagher
Gianforte
Gibbs
Gonzalez (OH)
González-Colón (PR)
Gosar
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hunter
Hurd (TX)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meadows
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Pence
Perry
Posey
Reed
Reschenthaler
Rice (SC)
Riggleman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rooney (FL)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Timmons
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Wilson (SC)
Wittman
Womack
Woodall
Young
Zeldin

NOES—230

Adams
Aguilar
Allred
Amash
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Hill (CA)
Himes
Horn, Kendra S.
Horsford

Houlahan	Meeks	Schrader
Hoyer	Meng	Schrier
Huffman	Moore	Scott (VA)
Jackson Lee	Morelle	Scott, David
Jayapal	Moulton	Serrano
Jeffries	Mucarsel-Powell	Sewell (AL)
Johnson (TX)	Murphy (FL)	Shalala
Kaptur	Nadler	Sherman
Keating	Napolitano	Sherrill
Kelly (IL)	Neal	Sires
Kennedy	Neguse	Slotkin
Khanna	Norcross	Smith (WA)
Kildee	Norton	Soto
Kilmer	O'Halleran	Spanberger
Kim	Ocasio-Cortez	Speier
Kind	Omar	Stanton
Kirkpatrick	Pallone	Stevens
Krishnamoorthi	Panetta	Suozzi
Kuster (NH)	Pappas	Swalwell (CA)
Lamb	Pascrell	Takano
Langevin	Payne	Thompson (CA)
Larsen (WA)	Perlmutter	Thompson (MS)
Larson (CT)	Peters	Titus
Lawrence	Peterson	Tlaib
Lee (CA)	Phillips	Tonko
Lee (NV)	Pingree	Torres (CA)
Levin (CA)	Plaskett	Torres Small (NM)
Levin (MI)	Pocan	Trahan
Lewis	Porter	Trone
Lieu, Ted	Pressley	Underwood
Lipinski	Price (NC)	Van Drew
Loebsack	Quigley	Vargas
Lofgren	Raskin	Veasey
Lowenthal	Rice (NY)	Vela
Lowey	Richmond	Velázquez
Luján	Rose (NY)	Visclosky
Luria	Rouda	Wasserman Schultz
Lynch	Roybal-Allard	Waters
Malinowski	Ruiz	Watson Coleman
Maloney, Carolyn B.	Ruppersberger	Welch
Maloney, Sean	Rush	Wexton
Matsui	Sablan	Wild
McAdams	Sánchez	Wilson (FL)
McBath	Sarbanes	Yarmuth
McCollum	Scanlon	
McGovern	Schakowsky	
McNerney	Schiff	
	Schneider	

NOT VOTING—19

Babin	Grijalva	San Nicolas
Bishop (NC)	Lawson (FL)	Weber (TX)
Cárdenas	Loudermilk	Williams
Gabbard	McEachin	Wright
Gohmert	Radewagen	Yoho
Gooden	Ratcliffe	
Granger	Ryan	

□ 1428

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. RICHMOND). There being no further amendments under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. PINGREE) having assumed the chair, Mr. RICHMOND, 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. 1815) to require the Securities and Exchange Commission, when developing rules and regulations about disclosures to retail investors, to conduct investor testing, including a survey and interviews of retail investors, and for other purposes, and, pursuant to House Resolution 629, he reported the bill, as amended by that resolution, back to the House with sundry further amendments 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 reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

MOURNING THE PASSING OF THE HONORABLE ELIJAH CUMMINGS

Mr. HOYER. Today, Mr. Speaker, is a sad day. It is a sad day for us; it is a sad day for this institution; and it is a sad day for America. We have lost a wonderful human being, a good and decent human being, a human being who made a difference for this institution, for all of us who knew him and were his friend, for his constituents, and for all Americans. All of us in this House lost a respected colleague. Many of us lost a dear, longtime, and good friend.

He came in 1996 to this body, and every time I ran for a leadership position, my friend ELIJAH CUMMINGS nominated me. The passing this morning of Chairman ELIJAH CUMMINGS of the Committee on Oversight and Reform was a painful shock to all who have served with him, more, of course, to his family, Dr. Rockeymoore Cummings, his wife, and his three children.

Elijah was a prophet of God whose name means ''my God is the Lord.'' ELIJAH CUMMINGS was true to his name.

He was a leader for our country and for our State of Maryland, and we have the Members, including our favorite daughter. He was a leader for our State. He was a leader, like our brother JOHN LEWIS, for principle, for comity, and for civility.

He was a quiet man who did not seek the limelight, but he was not afraid to step out into the arena and fight hard for the causes in which he believed strongly. As all of us know, those causes were justice, equality, opportunity, civil rights, education, and children. He liked to say that children are the message we send to a future that we will never see. His parents sent ELIJAH into the future, and how much better the future was.

He was beloved by his constituents, both those in the city of Baltimore and those in its suburbs. Indeed, ELIJAH was probably better loved in my district than I am. Most of my colleagues will understand that, of course.

He worked hard, even in his final days. The Speaker is going to speak, and I am sure she will say something about the telephone call she had with him just days ago, doing the people's business. As his health faltered, his passion for his work did not.

In the days ahead, we will have many opportunities, of course, to speak about our friend, ELIJAH, about his passion for service, his many contributions to Maryland and our Nation, and his deep convictions as a moral leader and a man of decency and love for his neighbor.

Some of you recall ELIJAH at the time of great distress in Baltimore—anger, outbursts. ELIJAH walked among them as a man of peace and, like no other person in our State, brought peace where there was no peace. We will have opportunities to remember that. And we have a chance to reflect on the love he had for his wife, Maya, and his three children.

Today, in remembering ELIJAH CUMMINGS, we have a chance to promote the vision he held of the people's House coming together in a spirit of unity and purpose. Sadly, today, that purpose is to mourn his passing and remember a dear friend who will no longer be with us as we continue his work to which he gave his all. But, hopefully, his example will be with us.

ELIJAH used to say, when he saw conflict and confrontation, when he saw things he thought were not up to the standards we had set for our country and for ourselves because of our faith, our Constitution, and our Declaration, he would say, ''We are better than that.''

As we human beings do things, from time to time, that are not kind to one another, not thoughtful, and not respectful to one another, let us say to ourselves: We are better than that. That is what ELIJAH said to himself.

Mr. Speaker, in that spirit of unity, I will be yielding shortly to the Republican leader to share his reflections. But first, as I referred to her as Maryland's favorite daughter, I am honored to yield to the Speaker of the House, NANCY PELOSI D'ALESANDRO. Now she would say NANCY D'ALESANDRO PELOSI. I understand that. We are so proud of our Speaker.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, it is a very disconcerting day for so many of us here.

I thank Mr. HOYER for bringing us together to mourn the loss of our dear friend and colleague, ELIJAH CUMMINGS. I thank my friend for his beautiful statement calling forth so many of the beautiful attributes of ELIJAH CUMMINGS.

As the gentleman spoke, I was reminded of how he always was a calmer of the waters. No matter how rough and tumble things would be, he would always just calm the waters and reach out, whether it was across the aisle, across the issue, across the Capitol, or down Pennsylvania Avenue.

I know that the people of Baltimore, the U.S. Congress, and America have lost the voice of the unsurpassed moral clarity and truth of our beloved Mr. Chairman, ELIJAH CUMMINGS. I am personally devastated by his passing, as I know many of us are.

We have flowers in his place where he sat, where we all sought counsel, learned more, or calmed down and were lifted up by the wisdom, the graciousness, and the goodness of ELIJAH CUMMINGS.

In the House, ELIJAH was the North Star. He was a leader of towering character and integrity whose stirring voice and steadfast values pushed the Congress and the country to give rise to a higher purpose of why we are here.

His principled leadership as the chair of the Committee on Oversight and Reform was a perfect testament to his commitment to restoring honesty and honor to government, and he leaves a powerful legacy for years to come.

People think of him as that chairman but meaning so much to him was his role as a senior member of the Transportation and Infrastructure Committee. He was always fighting for his district, for his State of Maryland, and for the country. He was a powerful voice for building the infrastructure of America and for creating good-paying jobs. He was a working-class guy in terms of whom he was here to serve.

I was very proud of him as a member of the U.S. Naval Academy Board of Visitors. He took great pride in the Naval Academy, his role on the board, and Maryland's role in our national security. I know we have some Naval Academy graduates here, and that was a source of great pride. He said that you have taken me to a new level of decisionmaking, in terms of national security.

Chairman CUMMINGS' story was the story of America. He was a sharecropper's son who dedicated his life to advancing justice, respecting human dignity, and—as the gentleman from Maryland said—ending discrimination.

He believed in the promise of America because he had lived it. He dedicated his life to advancing those values that safeguard our Republic: justice, equality, liberty, and fairness.

As our distinguished leader, Mr. HOYER, said earlier, we were always listening to ELIJAH. These flowers remind me of it because of the growth and renewal that are there. He said, ''Our children are the living messages we send to a future we will never see.''

He also wanted to build a future that was worthy of the aspirations of our children. He always wanted to make sure that they took with them the values that nurtured him and that he was promoting in his public service.

Earlier this year, Chairman CUMMINGS asked us: ''When we are dancing with the angels, the question will be asked: In 2019, what did we do to make sure we kept our democracy intact?''

He is now with the angels, out of pain.

And Maya said this morning, he fought the fight right up until the end. And those of us who communicated with him—I didn't know he was this close. I thought he was coming back in a few weeks.

But our Members, as I stated to our Republican colleagues, we had a conference call on Friday, this past Friday, not a full week ago, in which ELIJAH, as always, was passionate about what he believed in, dispassionate about how he conveyed a plan for how we would go forward with fairness, with justice, with dignity, worthy of the oath of office that we take to the Constitution, worthy of the vision of our Founders establishing this institution, and worthy, again, of the aspirations of our children, his words: messengers to a future we will never see.

His leadership made a difference in strengthening our democracy. Again, during difficult times, let us draw strength from his righteous words that the leader has been reminding us of all day: ''We are better than this. We are better than this.''

In the Congress, we will miss his wisdom, his dignity, the brilliance of his mind, the kindness of his heart, the friendship that meant so much to us and that we could all call upon.

In Baltimore, we will miss him as a champion.

May it be a comfort to his wife, Maya, to whom I conveyed the good wishes of the Congress this morning, may it be a comfort to Maya, to his three children and Chairman CUMMINGS' entire family and, I want to add to that, his dedicated and devoted staff, in every capacity—as a Member, as a chairman, as a member of the committee, whom he just treated with such fairness and respect, his staff—may it be a comfort to them all that so many mourn their loss and are praying for them at this sad time and that he will always be inside of our hearts as we make decisions about our responsibilities and how we will be accountable when we are dancing with the angels.

God bless you, darling ELIJAH. We all love you. We miss you, but we will never forget you, and your legacy will live in the Congress of the United States in this House of Representatives.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI), Speaker of the House, for her remarks.

I know ELIJAH felt very strongly about her and his support of her and her leadership and how proud he was that she was from the city of Baltimore that he loved so greatly.

Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY), my friend, the minority leader, and another good friend of ELIJAH's.

Mr. MCCARTHY. Mr. Speaker, I thank my friend for yielding. I thank him for his words, and I thank the Speaker.

We lost more than just a Member of Congress when we lost ELIJAH CUMMINGS. As the Speaker spoke of his life, she talked about him bringing calmness. I want you to reflect for one moment, when have you ever served in this body that we have been this calm and this quiet and this reflective? ELIJAH's work is still good with us right now.

Chairman CUMMINGS had enormous presence. As many times he would be an adversary, he was a respected adversary because he was tough. He had such a presence on this side of the aisle and an impression that, when we would sit inside our steering committee—and maybe I am breaking the rule; we are never supposed to talk about what we say in there. When we would select a chair or a ranking member, this is the one committee we weighed who we went against.

And every time we spoke of selecting an individual who can rise to the occasion, to be in debate with him, we would look for somebody who was strong. And every time someone was selected, they would come back to be a very best friend of ELIJAH CUMMINGS.

It is a tough committee. It is a committee of accountability. It is a committee of debate. I can't tell you how many friends would call me and be in fear because they got a letter from CUMMINGS. But he was a man of fairness.

You will know this because, in committees, at times, you have these debates. But when you are sitting as a chair and ranking member, what we would talk about is ELIJAH would share with us the life lessons, you know what he would say privately to the chair or the ranking member on the other side, what he would say to JIM JORDAN, what he would say to Trey Gowdy.

Trey shared with me today, he never stopped talking, even though he left Congress.

JIM JORDAN shared with me today that he was talking to ELIJAH just last week about committee business.

Trey talked about a story.

Trey was pretty tough on one person. And Trey is good; that prosecutor in him can get to the point. ELIJAH turned to him and said: She is not a government employee. She has a family, and she has children. You can be a little softer next time.

And that hit on his heart.

And what I fear in the world today, that when they look at us, they get this persona through cameras and social media, but it doesn't show our character. We are the only ones who get the window into one another's character of how we act. We are the ones who should share the message.

Because he was so strong in his beliefs, I am afraid some people in America won't know what type of character he actually had, not as a Member of Congress and not as a political figure, but as a person, because that is how I knew ELIJAH. He was a fighter. So many times in his life people told him no, and he would say, yes, he could.

He was a leader, but not in the sense that America probably thinks as a Member of Congress. His entire life he wanted to overturn racial injustice.

A Member shared with me the first time he got to know him was on a codel down in Mexico. Most of the people on the bus were asleep because it was one of those long trips, and ELIJAH sat and talked to him. This Member was from the South, and he talked about how his grandparents were there, but his grandparents moved him away

because they felt he would have a better chance just because of the color of his skin, that he would get a better education.

ELIJAH was not upset by that. He felt this country gave him the opportunity. That is why he wanted to serve.

So, all those who are here, it was an honor, a fortune, and a privilege to know him. If you are a freshman, I hope you took a few moments with him, because it didn't matter if you were a chair or a ranking member or if you were a Republican or a Democrat, he would spend that time with you.

I feel I am better for having known him, and I want you to know, from this side of the aisle, no matter how hard of a debate we were in, I have only heard respect for how he carried out the business. We respected him because he was good. We respected him because he beat us many times. We respected him because of what he fought for, he believed in.

Our deepest prayers go to Maya, because in those life lessons and in that window that we get to see, it is not the easiest to have a family in these jobs. We have a lot of things pulled on us, but we knew where his heart stood, where his family mattered, and what he continued to believe in.

So, yes, today we lost more than just a Member, but I hope as the days progress, as the times change and our debate gets heated again, that we reflect on this moment of calmness, reflect on this moment of thinking of one another, and we reflect on the idea that, yes, television may give us a different persona of who we are, but, yes, you and I get to see the window of the character within each and every one of us. I think that is what ELIJAH would want us to do.

So in his honor, let's find that tomorrow will be better than today and that this calmness will last longer than the next vote.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, in that spirit, I will ask for a moment of silence. But before I do that, let me mirror the remarks of the leader on the other side of the aisle.

A moment of silence will not be enough to respect the life of ELIJAH CUMMINGS. What will be enough is we follow his example for a lifetime—not for a moment, but for a lifetime—if we give one another the respect that he would give to us, if we give one another the consideration that the leader indicated that he gave to him.

So, Mr. Speaker, I ask that we stand for a moment of silence and a lifetime of following an example.

The SPEAKER pro tempore (Mr. CLYBURN). The Chair asks that all Members please rise for a moment of silence in remembrance of our good friend and colleague, the Honorable Chairman ELIJAH E. CUMMINGS.

The SPEAKER pro tempore (Ms. PINGREE). 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.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 229, nays 186, not voting 16, as follows:

[Roll No. 564]

YEAS—229

Adams	Golden	Ocasio-Cortez
Aguilar	Gomez	Omar
Allred	Gonzalez (TX)	Pallone
Axne	Gottheimer	Panetta
Barragán	Green, Al (TX)	Pappas
Bass	Grijalva	Pascrell
Beatty	Haaland	Payne
Bera	Harder (CA)	Perlmutter
Beyer	Hastings	Peters
Bishop (GA)	Hayes	Peterson
Blumenauer	Heck	Phillips
Blunt Rochester	Higgins (NY)	Pingree
Bonamici	Hill (CA)	Pocan
Boyle, Brendan F.	Himes	Porter
	Horn, Kendra S.	Pressley
Brindisi	Horsford	Price (NC)
Brown (MD)	Houlahan	Quigley
Brownley (CA)	Hoyer	Raskin
Bustos	Huffman	Rice (NY)
Butterfield	Jackson Lee	Richmond
Carbajal	Jayapal	Rose (NY)
Cárdenas	Jeffries	Rouda
Carson (IN)	Johnson (GA)	Roybal-Allard
Cartwright	Johnson (TX)	Ruiz
Case	Kaptur	Ruppersberger
Casten (IL)	Keating	Rush
Castor (FL)	Kelly (IL)	Sánchez
Castro (TX)	Kennedy	Sarbanes
Chu, Judy	Khanna	Scanlon
Cicilline	Kildee	Schakowsky
Cisneros	Kilmer	Schiff
Clark (MA)	Kim	Schneider
Clarke (NY)	Kind	Schrader
Clay	Kirkpatrick	Schrier
Cleaver	Krishnamoorthi	Scott (VA)
Clyburn	Kuster (NH)	Scott, David
Cohen	Lamb	Serrano
Connolly	Langevin	Sewell (AL)
Cooper	Larsen (WA)	Shalala
Correa	Larson (CT)	Sherman
Costa	Lawrence	Sherrill
Courtney	Lee (CA)	Sires
Cox (CA)	Lee (NV)	Slotkin
Craig	Levin (CA)	Smith (WA)
Crist	Levin (MI)	Soto
Crow	Lewis	Spanberger
Cuellar	Lieu, Ted	Speier
Cunningham	Lipinski	Stanton
Davids (KS)	Loebsack	Stevens
Davis (CA)	Lofgren	Suozzi
Davis, Danny K.	Lowenthal	Swalwell (CA)
Dean	Lowey	Takano
DeFazio	Luján	Thompson (CA)
DeGette	Luria	Thompson (MS)
DelBene	Lynch	Titus
Delgado	Malinowski	Tlaib
Demings	Maloney, Carolyn B.	Tonko
DeSaulnier		Torres (CA)
Deutch	Maloney, Sean	Torres Small (NM)
Dingell	Matsui	
Doggett	McAdams	Trahan
Doyle, Michael F.	McBath	Trone
	McCollum	Underwood
Engel	McGovern	Van Drew
Escobar	McNerney	Vargas
Eshoo	Meeks	Veasey
Espaillat	Meng	Vela
Evans	Moore	Velázquez
Finkenauer	Morelle	Visclosky
Fletcher	Moulton	Wasserman Schultz
Foster	Mucarsel-Powell	
Frankel	Murphy (FL)	Waters
Fudge	Nadler	Watson Coleman
Gabbard	Napolitano	Welch
Gallego	Neal	Wexton
Garamendi	Neguse	Wild
García (IL)	Norcross	Wilson (FL)
Garcia (TX)	O'Halleran	Yarmuth

NAYS—186

Abraham	Arrington	Bergman
Aderholt	Bacon	Biggs
Allen	Baird	Bilirakis
Amash	Balderson	Bishop (UT)
Amodei	Banks	Bost
Armstrong	Barr	Brady
Brooks (AL)	Hern, Kevin	Perry
Brooks (IN)	Herrera Beutler	Posey
Buchanan	Hice (GA)	Reed
Buck	Higgins (LA)	Reschenthaler
Bucshon	Hill (AR)	Rice (SC)
Budd	Holding	Riggleman
Burchett	Hollingsworth	Roby
Burgess	Hudson	Rodgers (WA)
Byrne	Huizenga	Roe, David P.
Calvert	Hunter	Rogers (AL)
Carter (GA)	Hurd (TX)	Rogers (KY)
Carter (TX)	Johnson (LA)	Rooney (FL)
Chabot	Johnson (OH)	Rose, John W.
Cheney	Johnson (SD)	Rouzer
Cline	Jordan	Roy
Cloud	Joyce (OH)	Rutherford
Cole	Joyce (PA)	Scalise
Collins (GA)	Katko	Schweikert
Comer	Keller	Scott, Austin
Conaway	Kelly (MS)	Sensenbrenner
Cook	Kelly (PA)	Shimkus
Crawford	King (IA)	Simpson
Crenshaw	King (NY)	Smith (MO)
Curtis	Kinzinger	Smith (NE)
Davidson (OH)	Kustoff (TN)	Smith (NJ)
Davis, Rodney	LaHood	Smucker
DesJarlais	LaMalfa	Spano
Diaz-Balart	Lamborn	Stauber
Duncan	Latta	Stefanik
Dunn	Lesko	Steil
Emmer	Long	Steube
Estes	Lucas	Stewart
Ferguson	Luetkemeyer	Stivers
Fitzpatrick	Marshall	Taylor
Fleischmann	Massie	Thompson (PA)
Flores	Mast	Thornberry
Fortenberry	McCarthy	Timmons
Foxx (NC)	McCaul	Tipton
Fulcher	McClintock	Turner
Gaetz	McHenry	Upton
Gallagher	McKinley	Wagner
Gianforte	Meadows	Walberg
Gibbs	Meuser	Walden
Gonzalez (OH)	Miller	Walker
Gosar	Mitchell	Walorski
Graves (GA)	Moolenaar	Waltz
Graves (LA)	Mooney (WV)	Watkins
Graves (MO)	Mullin	Webster (FL)
Green (TN)	Murphy (NC)	Wenstrup
Griffith	Newhouse	Westerman
Grothman	Norman	Wilson (SC)
Guest	Nunes	Wittman
Guthrie	Olson	Womack
Hagedorn	Palazzo	Woodall
Harris	Palmer	Young
Hartzler	Pence	Zeldin

NOT VOTING—16

Babin	Lawson (FL)	Weber (TX)
Bishop (NC)	Loudermilk	Williams
DeLauro	Marchant	Wright
Gohmert	McEachin	Yoho
Gooden	Ratcliffe	
Granger	Ryan	

□ 1503

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1815, SEC DISCLOSURE EFFECTIVENESS TESTING ACT

Mr. CASTEN of Illinois. Madam Speaker, I ask unanimous consent that, in the engrossment of H.R. 1815, the Clerk be authorized to correct section numbers, punctuation, spelling, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House, including the changes now at the desk.

The SPEAKER pro tempore. The Clerk will report the changes.

The Clerk read as follows:

Page 8, line 13, after ''Section 23(a)(4) of the Securities'' strike ''6''.