

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

Ms. MAXINE WATERS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PARLIAMENTARY INQUIRY

Mr. HENSARLING. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Since I withdrew the request for the yeas and nays on the motion to recommit, then would it be possible for the ranking member, the gentlewoman from California, to withdraw her request for the yeas and nays on the underlying bill, should she so choose?

Ms. MAXINE WATERS of California. Mr. Speaker, that is wishful thinking on the part of the chairman. I will not.

RETAIL INVESTOR PROTECTION ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 491, I call up the bill (H.R. 1090) to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 491, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-31 is adopted, and the bill, as amended, is considered read.

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

H.R. 1090

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 "Retail Investor Protection Act".

SEC. 2. STAY ON RULES DEFINING CERTAIN FIDUCIARIES.

After the date of enactment of this Act, the Secretary of Labor shall not prescribe any regulation under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) defining the circumstances under which an individual is considered a fiduciary until the date that is 60 days after the Securities and Exchange Commission issues a final rule relating to standards of conduct for brokers and dealers pursuant to the second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o(k)).

SEC. 3. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

The second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o(k)), as added by section 913(g)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et seq.), is amended by adding at the end the following:

"(3) REQUIREMENTS PRIOR TO RULEMAKING.—The Commission shall not promulgate a rule pursuant to paragraph (1) before—

"(A) providing a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing whether—

"(i) retail investors (and such other customers as the Commission may provide) are being harmed due to brokers or dealers operating under different standards of conduct than those that apply to investment advisors under section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11);

"(ii) alternative remedies will reduce any confusion or harm to retail investors due to brokers or dealers operating under different standards of conduct than those standards that apply to investment advisors under section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11), including—

"(I) simplifying the titles used by brokers, dealers, and investment advisers; and

"(II) enhancing disclosure surrounding the different standards of conduct currently applicable to brokers, dealers, and investment advisers;

"(iii) the adoption of a uniform fiduciary standard of conduct for brokers, dealers, and investment advisors would adversely impact the commissions of brokers and dealers, the availability of proprietary products offered by brokers and dealers, and the ability of brokers and dealers to engage in principal transactions with customers; and

"(iv) the adoption of a uniform fiduciary standard of conduct for brokers or dealers and investment advisors would adversely impact retail investor access to personalized and cost-effective investment advice, recommendations about securities, or the availability of such advice and recommendations.

"(4) ECONOMIC ANALYSIS.—The Commission's conclusions contained in the report described in paragraph (3) shall be supported by economic analysis.

"(5) REQUIREMENTS FOR PROMULGATING A RULE.—The Commission shall publish in the Federal Register alongside the rule promulgated pursuant to paragraph (1) formal findings that such rule would reduce confusion or harm to retail customers (and such other customers as the Commission may by rule provide) due to different standards of conduct applicable to brokers, dealers, and investment advisors.

"(6) REQUIREMENTS UNDER INVESTMENT ADVISERS ACT OF 1940.—In proposing rules under paragraph (1) for brokers or dealers, the Commission shall consider the differences in the registration, supervision, and examination requirements applicable to brokers, dealers, and investment advisors."

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 114-313, if offered by the gentleman from Massachusetts (Mr. LYNCH), or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume simply to say, Mr. Speaker, at one time this administration told us, if you liked your doctor, you could keep them. Now this same administration is telling us, if you like your financial adviser, you can keep them. The first promise was broken, and now they are in the process of breaking the second promise due to something called the Department of Labor fiduciary rule.

It will take away investment advice from hundreds of thousands, if not millions of low- and moderate-income people all around the Nation who rely upon this advice to save for retirement. This is something that should be considered by the Securities and Exchange Commission, and there has been outstanding work by the gentlewoman from Missouri (Mrs. WAGNER) who has been at the forefront of protecting retail investors, the small moms and pops planning for their retirement.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri (Mrs. WAGNER).

□ 1630

Mrs. WAGNER. I would like to thank Chairman HENSARLING and Subcommittee Chair GARRETT for their support on this tremendous issue.

Mr. Speaker, today I am pleased to stand before the House as the sponsor of H.R. 1090, the Retail Investor Protection Act. This important legislation that I have sponsored and worked on for 3 long years now came about after my colleagues on the Financial Services Committee and I, along with Member of Congress on both sides of the aisle saw the potential negative effects that this rulemaking from the Department of Labor could have on millions of Americans seeking advice on how to invest their retirement savings.

For that reason, we felt it was important to put the Securities and Exchange Commission—the primary and expert regulator for these financial professionals—in charge of studying and writing the rules on this issue. This isn't such a radical idea. In fact, this is what Congress intended when they included section 913 in the Dodd-Frank financial reform bill.

Mr. Speaker, the same legislation received the support of 30 House Democrats last Congress, and, once again, I hope that they heed the concerns and the warnings that their constituents have provided them about the dire consequences this rule will have on Americans' retirement savings.

Make no mistake. There is a savings crisis in this country. About half of all households age 55 and over have no retirement savings at all. How does this happen?

Unfortunately, for many people, like that single mother of two who gets paid on the 15th and 30th of each

month, there is just too much month at the end of the money after paying for mortgages, groceries, medical bills, and other expenses, and saving for retirement ultimately gets pushed off until the next month and the next month and so on.

For many American households, a trusted financial adviser is the key link to helping them see the benefits in saving early and helping them realize how to save and grow their investment. The vast majority of those financial professionals already provide advice and recommendations that are in the best interest—the best interest—of their clients.

Unfortunately, this rulemaking from the Department of Labor could potentially cut access, limit choice, and raise costs for that kind of financial advice, putting the goal of retirement even further out of reach.

The Department of Labor states that this rule simply would require financial advisers to act in the best interests of their customers. Well, who would argue with that? Unfortunately, when you start to get into the over 1,000 pages of regulatory text with the exemptions and addendums, it becomes clear that it isn't quite that simple.

The increased compliance burdens and further legal liability that will be required under this regulation will make it very difficult for many brokers to continue servicing small accounts, which predominantly belong to low- and middle-income Americans who are just starting to save and haven't built up their retirement nest egg.

Mr. Speaker, 98 percent of all IRAs with less than \$25,000 are in a brokerage relationship today. For that reason, this rule will actually hurt the very people that it aims to protect. We must not play politics with their retirement savings, and that is what this administration is doing.

We have already seen this happen in the United Kingdom. They enacted a similar regulation in 2013, and we have seen since then over 300,000 clients dropped by their financial advisers because their account balances were too small.

Now the U.K. Government is launching an investigation into the "advice gap" that exists for those people who do not have significant wealth. With this regulation from the Department of Labor, the same thing will happen here in the United States of America where there will be two different classes of investors, those who can afford financial advice and those who cannot.

Mr. Speaker, this is not a Wall Street issue. This is as Main Street as it gets. Washington should not be making it more difficult for Americans to save for retirement. Instead, we need to empower people to earn more and save more and have choices for where to get their help in making their financial decisions. Unfortunately, the Department of Labor is following along with everything else we have seen under the Obama administration, a top-down,

Washington-knows-best-for-you government, whether it is what you see in your health care that you need, the food that you can eat, and now whom you can talk to for the financial advice for your retirement savings.

According to President Obama, Senator ELIZABETH WARREN, and now even Secretary Hillary Clinton—who are all big supporters of this DOL fiduciary rule—the only person whom you actually need to be protected from ultimately is yourself. I strongly disagree. I give the American people a lot more credit than that, and I refuse to stand by and let this administration advance another onerous regulation that ultimately takes your freedoms, makes decisions for you, and brings us closer to a government-planned life.

Mr. Speaker, I strongly support H.R. 1090, the Retail Investor Protection Act, and I urge its passage.

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

Mr. Speaker, H.R. 1090 would halt the Department of Labor's ongoing efforts to protect American retirement savers from investment advice that conflicts with their best interests.

The bill would prohibit the Department from promulgating any rule on the issue until 60 days after the Securities and Exchange Commission finalizes its own fiduciary rule for investment advisers and broker dealers.

The bill would then delay the SEC's long overdue rulemaking by requiring the Commission to first report to Congress a separate economic analysis that, among other things, considers how a new standard would affect a broker's profit.

These delays are unacceptable and ignore the real issue that the Department is trying to address: conflicted retirement investment advice that costs our Nation's workers and retirees an estimated \$17 billion a year.

The Department's rulemaking would do so by requiring persons providing retirement advice to put the interests of their clients ahead of their own and abide by a fiduciary duty, the same duty that we expect from our doctors, lawyers, and trustees.

Simply put, a financial adviser should not be paid more for recommending one product over another, but should abide by a fiduciary standard of care. Would you be comfortable if your doctor was paid more for an office visit for recommending one drug over another or for a lawyer to be paid more for interpreting the law one way or the other? No, of course not. Yet, we allow these same conflicts to exist with those that are providing millions of hardworking Americans with advice on their retirement savings.

These conflicts encourage investors to, for example, push a 70-year-old retiree to invest more of her savings in a stock fund rather than a less risky short-term bond fund simply because the adviser receives 150 percent more for making the riskier recommendation.

Such a commonsense update in the law to address these conflicts is long overdue and, indeed, at the Department, is over 5 years in the making. During that time, the Department has published an initial 2010 proposal, solicited feedback, held public hearings on that proposal, and issued even a reproposal this past spring.

Since that reproposal was published, the public and interested stakeholders have had 164 days of public comment, 4 full days of multi-panel public hearings, and ample opportunity to meet with the Department, which held over 100 meetings with interested stakeholders, not including meetings with Members of Congress.

Thanks to the Department's diligence and willingness to listen to stakeholder concerns, the proposal now enjoys broad support, including support from 95 financial services groups, public interest, civil rights, and consumer organizations, labor unions, and many investment advisers who are already providing advice to savers under a fiduciary standard. These groups range from the AARP, Public Citizen, the Consumer Federation of America, to the Financial Planning Coalition, among many others.

All this points to the Department's tangible efforts to take a balanced, measured approach to developing a rule that works. I fully support their efforts to continue to work towards its completion not only because it is necessary, but because it just makes common sense.

What is more, the need to update the law quickly is urgent. Hardworking Americans lose an estimated \$17 billion per year—or \$47 million per day—to conflicted retirement investment advice.

While we should clearly encourage the Securities and Exchange Commission to also update its own rules on investment advice over securities, we should not make retirement savers wait any longer for protection by hinging the DOL's rulemaking to the SEC's, as H.R. 1090 would do.

Mr. Speaker, I support the Labor Department's efforts to finalize a rule and urge my colleagues to vote "no" on H.R. 1090.

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

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), the distinguished chairman of our Capital Markets and Government Sponsored Enterprises Subcommittee.

Mr. GARRETT. Mr. Speaker, I thank the chairman.

I thank Mrs. WAGNER as well.

As you know, Mr. Speaker, the Department of Labor's fiduciary rule is built upon faulty assumptions, faulty analysis, and faulty understanding basically of how the retirement system actually works in this country. It is really consistent with other policies of this administration.

This rule will have a disparate impact and a negative impact upon middle class Americans and minorities in

this country, many of whom will find it difficult, if not impossible, to receive guidance from a financial professional for their retirement.

This is not me saying this. The Department of Labor's own analysis shows that investors who do not work with a professional will risk making mistakes that cost them up to \$100 billion.

So today, Mr. Speaker, Congress has an opportunity to stand up on behalf of struggling American families and support this legislation.

We have proof to show that this legislation really is necessary because we had folks coming to Washington to testify about it who supported the DOL rule. They said do not worry. They said that, if the traditional brokerage firms can't live with a simple fiduciary standard and refuse to serve modest savers, so be it. Other financial professionals such as them on and off the Web who embrace the client-first approach stand ready to help Americans prepare for a secure retirement. Well, that was Rebalance IRA.

Someone went to that company, a modest American, and said, "Will you service us?" This was their response: "If you have scheduled a call with us, I want you to be aware that, as much as we would enjoy discussing your retirement goals, until you have at least \$100,000 in a retirement account, our service at this time is not really the best solution for you. Our fees will absorb too much of your investment return, which runs counter to our mandate to help you to retire."

So, Mr. Speaker, the very same people who say the system will work under the DOL guidelines prove that, when people of modest means—Americans who are simply trying to scrape by each week and each month and put a little bit away—will not have that investment advice which their very own Department of Labor says is necessary to get by and to fulfill the American Dream.

The Retail Investor Protection Act will restore regulation to the market to where it belongs: with the SEC. It will prevent the Department of Labor from worsening the retirement savings crisis that our country is facing. I say support the American Dream. Support this legislation.

Ms. MAXINE WATERS of California. I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE), the ranking member of the Monetary Policy and Trade Subcommittee on the Financial Services Committee.

Ms. MOORE. I thank you so much, Madam Ranking Member.

Mr. Speaker, I rise in opposition to H.R. 1090. I must say to Representative WAGNER she is correct when she says that there were 30 Democrats—I am one of them—who supported similar legislation, but that was before the Department of Labor repropose the conflict of interest rules, gave us sort of an unprecedented 164-day comment period during the reproposal, and they

withdrew the original 2010 proposal and put forward the repropose rule in 2015, 5 years. As we discussed it, they have committed to making considerable improvements.

Now, the SEC has yet to begin the process of a related rulemaking 5 years after the Department of Labor began the process, and they have made it really clear that they don't think they will get to it.

I do want to point out—since I have 3 whole minutes here—that it has been very difficult to get the majority party to agree to providing the SEC with the needed resources that would, in fact, enable them to undertake the work that the Department of Labor has already put forward on this. So I don't think we should wait until after the SEC acts to issue a rule. And this legislation before us would only delay these important consumer protections.

The Department of Labor has received a lot of feedback, especially from me. Mr. Speaker, I have been extremely vocal in highlighting areas, some of them which you have heard on the other side mentioned here today—very vocal on the repropose rule where I think it needs to be improved and, in fact, led a letter to the Department of Labor with 96 Democratic colleagues signing on to that letter.

□ 1645

However, I do think that the time is now for Congress to partner with the DOL, with industry, and with retirement savers toward the best possible final rule to encourage and protect retirement savings.

Now, I want to mention that the overwhelming majority of advisers are good people with their clients' best interest at heart. In fact, no one in this debate is suggesting that we don't support policy which puts the best interest of the client first and foremost. But when financial advisers are unscrupulous, they have a devastating impact on retirement savers.

Further, when advisers are responding to skewed incentives that encourage conflicts and put clients in products, that may be okay for the client, but placement in these products are driven primarily by the adviser's bonus.

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

Ms. MAXINE WATERS of California. I yield the gentlewoman an additional 30 seconds.

Ms. MOORE. The DOL rule that is being repropose seeks to mitigate these conflicts of interest so that the best advisers in companies get clients and compensation based on the best interest and the outcomes for their clients.

I think that this is a backdoor approach to kill the rule, any rule, and it will leave gaping loopholes in Federal laws.

My advice to my colleagues is that we defeat this bill.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from

Wisconsin (Mr. DUFFY), chairman of the Oversight and Investigations Subcommittee of the Financial Services Committee.

Mr. DUFFY. Mr. Speaker, we, before this debate, were having a debate on the Ex-Im Bank, and I made a point about my friends across the aisle standing up for big businesses, the cronyism between big government and Big Business. In this debate, they have a chance now to stand with small investors, the men and women around this country who put a little bit away every paycheck to hopefully have a little nest egg for their retirement, to stand with those people to make sure that when they get to their retirement, they have a nest egg that is worth something, and to make sure that those folks have advice along the way.

The way the Department of Labor rule is structured is that most Americans aren't going to be able to get advice from a financial adviser; they are going to be driven to a robo-adviser. What that means is they are going to have to go to a Web site, answer about 6 to 10 questions, and the Web site will pump out a generic investment suggestion for them. No personally tailored advice from a financial adviser.

That also has another effect. Think last month or 2 months ago in August when we had market movement. A lot of people get freaked out and they sell. But if you have an adviser, they say: Hold on. No, no, no, we have a long-term plan here. Don't sell, don't sell. Hold on. We are going to weather this storm together.

But is a robo-adviser, the text from the computer, going to calm your nerves so that you don't sell your portfolio? This doesn't work for the American people.

What the Department of Labor is doing is saying: If you are wealthy, if you have a lot of money, if you have a big nest egg, then you can get advice. But if you are poor or middle class, a middle-income American, you are not entitled to the same advice of the wealthy and the powerful.

I am mostly concerned about one other point here, is that if this rule goes into effect and less Americans save and have less return on their investment, when they get to their retirement years, they are going to be more reliant on the government. We want people less reliant. We want people to take more responsibility so they have a nest egg to fund their retirement years, pay for themselves. The way this is structured, you will have less people doing that and more people looking to the government for care. I guess that is a greater debate that we have in this institution: Do we want more people relying on the government?

I think the only conclusion I can draw with your support for this rule is, absolutely, yes. That is a wrong approach. We come from a long line of people who believe in self-reliance, in

taking care of ourselves and our family. This rule from the Department of Labor is bad. Let's fix it with this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Subcommittee on Capital Markets of the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the ranking member for yielding and for her leadership on this issue.

Mr. Speaker, I include in the RECORD over 95 investor protection and consumer protection groups who adamantly support the position of the Department of Labor rule that protects investors and consumers.

SAVE OUR RETIREMENT,
October 26, 2015.

OPPOSE H.R. 1090, THE MISNAMED "RETAIL INVESTOR PROTECTION ACT"

DEAR REPRESENTATIVE We are writing as organizations that strongly support the Department of Labor's (DOL) efforts to strengthen protections for working families and retirees by requiring the financial professionals they turn to for retirement investment advice to act in their best interests. As such, we oppose H.R. 1090, the misnamed "Retail Investor Protection Act," and urge you to vote NO when the bill is considered on the House floor.

H.R. 1090 is a clear attempt to thwart DOL action by making the Department wait for years and possibly indefinitely until after the Securities and Exchange Commission (SEC) finalizes a rule under securities laws—a process that the SEC has not yet initiated. And, to further delay action, the bill imposes on the SEC new requirements to engage in further economic analysis, beyond the extensive analysis it has already conducted, and make formal findings before promulgating a rule. By impeding DOL's efforts, this bill would in no way protect retail investors; instead, it would protect those financial professionals who take advantage of loopholes in the law to profit at their clients' expense.

This approach would effectively cripple DOL's ability to fulfill its unique and critical regulatory role under ERISA. When Congress enacted ERISA, it intentionally set a higher standard for protecting retirement assets than applies to other investments. There are good reasons to do so. Retirement assets are special, as evidenced by the fact that they are heavily subsidized by the government through the tax code. These tax subsidies should flow to individuals, not financial firms, and should not be depleted by conflicts of interest.

Retirement savers who are struggling to fund an independent and secure retirement need financial advice they can trust is in their best interest. Today, neither our securities regulations nor the rules under ERISA provide that assurance. Instead, both sets of regulations expose retirement savers to recommendations from conflicted advisers who are free to recommend products based on their own financial interests rather than those of their customers. The DOL proposal—which combines a best interest standard with meaningful restrictions on the practices that undermine that standard—offers significant progress toward addressing this problem. There is no reason to force the DOL to wait for the SEC, since only the DOL has the authority and expertise to close the loopholes in the ERISA rules.

DOL has succeeded in crafting a balanced rule that provides much needed new protec-

tions for retirement savers while providing the flexibility necessary to enable firms operating under a variety of business models to comply. While adjustments can and doubtless will be made to clarify and streamline certain of the rule's operational requirements, the rule's overall framework is sound. Contrary to the misinformation that has swirled around the DOL proposal, it actually will help, not hurt, small savers. They need the protections of the best interest standard more than any other workers and retirees, since they can least afford high fees and poor returns on their savings. And if some advisers really do pull back, there are plenty of advisers happy to provide affordable, best interest advice to clients at all income levels.

We can only hope that the SEC eventually will follow DOL's lead and craft a similarly strong and effective rule for non-retirement accounts. But in a nation that faces a retirement crisis, and with DOL ready to act, we cannot afford to wait. We therefore urge you to reject H.R. 1090—or any legislation that would stall, derail or interfere with the DOL rulemaking, which is proceeding under an appropriate deliberative process—and instead support DOL's efforts to finalize a rule based on the sound regulatory approach it has proposed.

Sincerely,

AARP, American Federation of State, County and Municipal Employees (AFSCME), Alliance for a Just Society, Alliance for Retired Americans, American Association for Justice, American Association of University Women, Americans for Financial Reform, Association of University Centers on Disabilities, Better Markets, Center for Community Change Action, Center for Global Policy Solutions, Center for Responsible Lending.

The Committee for the Fiduciary Standard, Consumer Action, Consumer Federation of America, Consumers Union, Fund Democracy, International Association of Machinists and Aerospace Workers, International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers Union, Leadership Conference on Civil and Human Rights, Lynn Turner, former chief accountant, SEC, Main Street Alliance.

Metal Trades Department, AFL-CIO, National Active and Retired Federal Employees Association (NARFE), National Council of LaRaza, National LGBTQ Task Force Action Fund, National Organization for Women, Pension Rights Center, Public Citizen, Public Investors Arbitration Bar Association, Service Employees International Union (SEIU), United Auto Workers, United Steelworkers, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), U.S. PIRG, Wider Opportunities for Women.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, the Department of Labor's fiduciary duty rule advances a very simple principle: If you are giving advice to retirement savers and you are being compensated for your advice, then you have to put your customers' interests first.

It is worth noting that most investors already think that this is the law, even though it isn't.

So the Department of Labor's rule is a much-needed update of the rules governing investment advice to retirement savers. I would say we have a particular responsibility as legislators to protect retirement savers, which is what the DOL rule does.

While the proposed rule is not perfect, no rule ever is. The Department

has been incredibly responsive, very responsive to legitimate concerns that have been raised. They have been more than willing to engage with Congress and with industry and with investors to come up with better solutions.

But this bill before us would effectively stop the Department of Labor's rule in its tracks, which is the completely wrong thing to do if you want to protect investors.

This bill is also redundant, unnecessary, and really reflects a misunderstanding of the law.

One of the core principles of the Employee Retirement Income Security Act, or ERISA, was that investments made for the purpose of retirement security should enjoy special protections under the law. That is what this DOL rule does. This, by definition, means that the protections under ERISA are supposed to be different than the protections under ordinary securities laws. They should be more protective of the retirement investor.

As a result, the SEC and the Department of Labor have different responsibilities. When two agencies have different responsibilities, it is completely appropriate for them to move separately and even to write different rules.

This bill would also require the SEC to conduct yet another study—or I would call it a delay—on a uniform fiduciary standard for broker-dealers. We already required the SEC to conduct a study on this issue in Dodd-Frank, and the SEC staff's recommendation in that study was that the SEC should, in fact, adopt a uniform fiduciary standard for broker-dealers.

Requiring the SEC to conduct largely the same study that they already conducted in 2011—I believe they can move ahead with their own fiduciary rule—is pointless and shows that the true intent of the bill, the underlying bill, is to delay both the Department of Labor's rule and any future SEC rule which ultimately is there to protect the retirement saver and investor.

I urge my colleagues to oppose this bill, and I urge them to vote for investor protections and to protect consumers. I urge a very strong "no" vote.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), chairman of the House Foreign Affairs Committee.

Mr. ROYCE. Mr. Speaker, I rise today in support of the Retail Investor Protection Act.

The Department of Labor's proposal here is going to harm the very working class Americans that the administration claims that it is supporting.

This is not hyperbole, this is not a hypothetical. I want to give you the real results of what happened in the United Kingdom when it enacted similar regulation in 2013. Here are the disastrous results: 310,000 clients were dropped; 60,000 new investors were rejected; an estimated 11 million potential savers were priced out of advice.

In the face of these facts, the Department of Labor continues to insist on

applying the failed philosophy of “government knows best” to retirement savings.

Mr. Speaker, I thank the gentlewoman from Missouri for her leadership on this, and I urge my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Education and the Workforce Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 1090, the so-called Retail Investor Protection Act.

This bill puts an effective end to the Department of Labor’s responsible effort to modernize a fiduciary standard under the Employee Retirement Income Security Act, or ERISA, that was implemented 40 years ago.

As we all know, our country’s retirement savings landscape has changed significantly since that time. Forty years ago, the majority of retirement assets were held in defined benefit plans and managed by professionals. Forty years ago, employer-based 401(k) plans did not exist and IRAs had just been established.

Today, Americans have more than \$12 trillion invested in 401(k) plans and IRAs, and they have to make their own financial decisions. Many workers and their families don’t have the expertise in managing investment portfolios and so they often have to rely on financial advisers to help them save for retirement.

While many of those advisers do right by their clients, others do not. There is a lot of different financial products that Americans can purchase. Some have extremely high fees, while comparable products—and perhaps even better ones—have lower fees. This current standard allows for unscrupulous advisers to give conflicted advice and push a financial product from which they will reap a bigger profit even if the product is not in the best interest of their client.

It is individuals with modest retirement savings—many of our constituents—who stand to lose the most from receiving conflicted advice. National Public Radio recently conducted a series that in part highlighted how Americans are losing billions of dollars every year out of their retirement accounts because they are paying excessive fees.

As a hypothetical example, NPR cited a person who invests \$10,000 and that investment makes a 7 percent return every year. Over 40 years, that investment would be worth almost \$150,000. But if you have invested in a fund that charges a 2-percent annual fee, now you have cut the return down from 7 percent down to 5 percent. Over 40 years, your investment would be worth about \$70,000, not almost \$150,000. That is, obviously, a big difference, and that is the kind of insidious erosion of retirement savings that the Department is working to end with their rule.

Since April, the Department of Labor has been engaged in this necessary rulemaking process. The Department has informed us that over that time, it provided the American public a total of 164 days to submit comments; they conducted 4 full days of public hearings; and convened over 100 meetings. That total doesn’t account for meetings they have held with Members of Congress.

Now the Department is completing its work on the rule and is taking into account the thousands of comments it received. Here in Congress, we should just let them finish their job.

Millions of Americans rely on financial advisers for advice on how to protect their hard-earned retirement savings, and it is about time that we ensure that those Americans are provided advice consistent with their best interest, not with what would ultimately be in the best interest and profit for the adviser.

I, therefore, urge my colleagues to defeat this legislation.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN), a very important member of the House Financial Services Committee.

Mr. HULTGREN. Mr. Speaker, I thank the chairman.

Today, I rise in support of legislation that will protect hard-working Americans’ access to retirement advice.

The Labor Department is aggressively pushing a flawed rule which might be a political win for the Obama administration but would come at the expense of Americans trying to save for retirement. This is why I cosponsored the Retail Investor Protection Act.

The administration claims the plan that they have put forward will help people trying to save for retirement. Instead, it would hurt many of them.

The Labor Department has proposed restricting retirement advice and reducing options for what financial instruments can be used to save for the future.

Most concerning, the regulatory costs would hit those who have had difficulty saving the hardest. One firm in my district with dozens of offices that serve more than 30,000 customers told me that they fear the Labor Department proposal will make it impossible to offer quality services to low- and middle-income customers.

□ 1700

Clearly, the administration has no concept of what these rules will mean for Main Street investors, and they have chosen to ignore the benefits provided by retirement advisers. My constituents tell me they save more because of the advice they get. Relatively simple advice, such as not making irrational decisions in volatile markets, is incredibly valuable, especially for less sophisticated investors. Furthermore, the Department’s proposal mentions annuities 172 times, but the Regulatory Impact Analysis does not examine the impact on these financial products.

The Department of Labor is choosing to ignore Congress and the people it claims to protect. On July 29, I sent two separate letters to Secretary Perez. It has now been almost 3 months, and he has done nothing to address the concerns of my constituents.

There are now at least 51 of my colleagues, both Republicans and Democrats, who share my concerns that listed options would no longer be permissible in retirement accounts. The Labor Department claims that they are working closely with the SEC, but during a hearing last Friday, a key witness from the SEC could not provide me with one example of when the Labor Department had included any SEC input.

It is time for the administration to stop restricting where and how Americans choose to pursue financial stability and security. Vote “yes.”

Ms. MAXINE WATERS of California. I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN), the ranking member of the Subcommittee on Oversight and Investigations on the Financial Services Committee.

Mr. AL GREEN of Texas. I thank the ranking member for her outstanding work and efforts in this area. The gentlewoman has truly been a champion for people—the very little people who some people have styled we are talking about today.

Mr. Speaker, the best way, without question, to get the SEC to act would be to allow the DOL to act. If the DOL is allowed to promulgate its rules, I guarantee you the SEC will move with an additional amount of deliberate speed.

Currently, the DOL is simply attempting to cause people who act as financial advisers to have fidelity to their clients above their own personal interests. What is so unusual about the concept is the person who is working for you having fidelity that benefits you as opposed to the person who is working for you.

Right now, as the laws exist, a person acting as a financial adviser can become a financial predatory adviser. Not all are. I am not accusing the industry of anything. I am just making a point about what can happen. When this happens, the person who is to give you advice—for a fee, I might add—can sell you a product for a higher fee and that has a higher risk as opposed to a similar product with a lower fee and that carries a lower risk. The higher fee is the temptation that will cause predatory financial advisers to manifest themselves and take actions against the best interests of the clients, who are paying them to represent them and benefit them.

We ought not allow this kind of action to be sanctioned by the Congress of the United States of America. What the President is attempting to do by and through the DOL is to simply say: If you are going to represent your client, you are going to put your interest beneath the client’s interest. You will

subordinate your interest to your client's interest. You will not allow yourself to yield to the temptation to take a higher amount of money for yourself and put your client at a greater amount of risk.

That is all this rule is about.

Let's allow the rule to come into existence. If we want to debate it thereafter and amend it, we can. But let's not prevent it from ever manifesting itself by causing some to believe that the SEC will do what the DOL will not, because the evidence is not there to support the notion that we are going to get faster results from the SEC.

Finally, this: in a righteous world, we would be calling some of this activity fraud.

Mr. HENSARLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Kentucky (Mr. BARR), another valued member of the Financial Services Committee.

Mr. BARR. Mr. Speaker, I rise today in support of the Retail Investor Protection Act, legislation that will ensure investor access to personalized and cost-effective investment advice.

The Department of Labor's proposed fiduciary rule will make it more difficult for hard-working Americans to access financial advice and to save for retirement.

Time and again, I have heard from constituents throughout my central Kentucky district of how this massive, 1,000-page rule will negatively affect them: Private employers and not-for-profit organizations will no longer be able to bring in financial advisers to provide educational information about retirement plans to their employees. Investors with small accounts will no longer be able to receive advice for their 401(k) plans. Middle class investors will lose access to professional advice, and financial products like annuities will no longer be available. More and more Americans will be forced to seek information on the Internet or from robo-advisers.

Let's get this straight, Mr. Speaker. This rule will replace flesh and blood professional advisers with a computer. As one of my constituents said to me, if you think professional advice is expensive, wait until you see the cost of amateur advice. In short, the Department of Labor's rule will hurt the very people it is supposed to protect.

On July 29, Representatives WAGNER, SCOTT, CLAY, and I sent a bipartisan letter, signed by 21 Members, to Secretary Perez, asking for the DOL to stop these disruptive changes and repropose the rule in light of the many negative comments. Secretary Perez replied that the DOL would not entertain the request. That is why it is necessary for Congress to take action and pass this legislation.

Look, we all agree that financial advisers should act in the best interests of their clients, but heightened consumer protections in the investment space should apply broadly and should not create two classes of investors. It

should not bifurcate the industry to those who can afford advisers and those who cannot. The result will be less choice for consumers and a lack of access for retail investors to sound financial advice. The best consumer protection is not central planning from Washington. It is choice and competition.

I thank Representative WAGNER for her leadership on this issue, and I encourage my colleagues to vote for competition and choice, to vote for access to professional financial advice, and to defeat this rule.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Committee on Oversight and Government Reform.

Mr. CUMMINGS. I thank Ranking Member WATERS for yielding, and I thank her for her excellent and compassionate leadership not only on this issue but on so many others.

I rise today to oppose H.R. 1090, the so-called Retail Investor Protection Act, which is anything but a protection for investors.

Rather than protecting our constituents' investments, this Act would prevent the Department of Labor from finalizing a rule to establish a fiduciary standard for investment advisers until the Securities and Exchange Commission finalizes a rule first.

In essence, the bill before us would prevent the Labor Department from finalizing any rule at all. The administration has already indicated it would veto this measure if it is passed by Congress.

This past March, Senator ELIZABETH WARREN and I held a forum as part of our Middle Class Prosperity Project to consider the need for a strong fiduciary standard to protect Americans who are saving for retirement. We heard directly from Americans who had lost tens of thousands of dollars because they did not receive advice that was in their best interests.

In some cases, people may not even realize they have placed their trust in advisers who are not fiduciaries and who have no obligation to act in their best interests. One study found that Americans who are saving for retirement lose more than \$43 billion, on average, each year because advisers don't act in their clients' best interests.

The real solution, as we learned in our forum, is to have a strong conflict of interest rule to ensure the advice Americans receive—advice they receive as paying customers—directs their hard-earned retirement savings to investments that will work in their best interests.

This House should not put roadblocks in the way of this commonsense reform, which would protect our constituents' money. I urge all of the Members of the House to oppose H.R. 1090.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. MESSER), another valued member of the committee.

Mr. MESSER. I thank the chairman.

I thank Mrs. WAGNER for her leadership on this important issue.

Mr. Speaker, I rise today in support of the Retail Investor Protection Act.

Let me be clear. We all agree that investment advisers should act in the best interests of their clients, and we all want to ensure that low- and middle-income investors get good financial advice. But in life and in the world of public debate, we are not just responsible for our intentions; we are also responsible for our results.

That is the problem with the Department of Labor's fiduciary rule. Whatever their intentions, the results of this administration's policy will hurt the very people they are saying they are trying to help. Here is why: The rule will increase the cost of financial advice and force working class investors to pay higher fees. The fact is that most investors can't afford these fees. As a result, millions of investors will get no advice at all. That is not good for anybody.

The bill today will delay the implementation of the new so-called "fiduciary rule" and ensure that investors continue to have access to sound financial advice.

I urge my colleagues to protect lower and middle class investors and stop this administration's so-called "fiduciary rule."

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Mr. Speaker, the name of this bill is the Retail Investor Protection Act. If you didn't know better, you would think it was a bill designed to protect the retail investor. But, in fact, it does the opposite of that because it blocks the Department of Labor from putting in place commonsense rules that would make sure that retirement investment advisers handle their clients with care and with a fiduciary duty.

The Department of Labor wants to update rules that are now 40 years old, and that, again, makes common sense. Here is what happens: A retiree wants to take his 401(k) plan and make a decision about where to invest it. The retirement adviser comes along and offers up that advice. Meanwhile, the retiree does not realize that that person may be getting a commission from the very funds to which that retiree is being directed.

That is a conflict of interest, pure and simple.

If you asked the average retiree, "Do you think we need a rule that would protect retirees and other investors from this kind of conflict of interest, that would put some kind of fiduciary duty in place so the retirement investor is acting in the interest of the client," if you said, "Do you think we need a rule," the average retiree would ask, "Do you mean we don't already have that rule in place?" He wouldn't

believe it. He wouldn't believe this conflict of interest is structurally built into the system and is resulting in billions of dollars being taken from workers' retirement savings every single year.

So why is the Congress taking this up? Why are we trying to block the DOL?

I fear that what is happening is Congress is getting pushed around again by Wall Street and by wealthy special interests. We heard a lot about crony capitalism when talking about the last bill. That is what is going on here. There is a letter in the RECORD from the Koch Brothers and their gang, Americans for Prosperity and FreedomWorks. They are in here trying to block the Department of Labor's bill.

So Big Money is cascading into Washington. It is affecting the way we make policy. It is going to keep coming. The fix is in. I hope my colleagues will come to the floor today and vote against this, but I am not optimistic.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. GUINTA), another great member of the House Financial Services Committee.

Mr. GUINTA. I thank Chairman HENSARLING.

Mr. Speaker, I stand today in strong support of H.R. 1090, the Retail Investor Protection Act.

This isn't about the Koch Brothers. This is about low- and middle-income families, seniors, people who try to take a little bit of their life savings and put it away over time. You heard speakers earlier talking about 98 percent of the people who have IRAs have under \$25,000 in them. They are who we are aiming to protect. They are the people who are coming to us, asking—begging—for assistance, and they are who we stand with because this is America.

□ 1715

This is not a place where Washington, D.C., is supposed to stand firm and dictate policy for everyone. We are supposed to be about limited government. We are supposed to be in this Nation about putting our trust and our faith in individuals.

This proposed legislation by the DOL does the exact opposite. It takes power away from the individual. It takes power away from the individual to talk to their financial adviser and gain educational opportunities to make informed decisions about their long-term investments.

My wife and I have two kids, 10 and 12. We are thinking about their financial stability. We want to encourage them to have long-term investments, like my folks suggested to me, so they can make informed decisions. But, no, Washington is going to decide that they can't, that I can't, that my folks can't, that the people I represent can't, all in the name of ensuring that Washington knows better.

Well, Mr. Speaker, I put my faith in the people. I do not put my faith in bureaucrats who think they know better.

I think that Representative WAGNER's leadership is tremendous on this particular issue because she feels just as passionately as the rest of us. We are not only talking about the lack of ability, but the compliance cost, which is going to get pushed onto that same individual.

So I encourage my colleagues, I implore my colleagues, to vote for this bill and support H.R. 1090.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.R. 1090, the misnamed Retail Investor Protection Act, which essentially ends the progress made by the Department of Labor on releasing an updated conflict-of-interest rule that seeks to protect our constituents' hard-earned savings and strengthen the ability for those in the middle class to save for retirement.

In June, I had the opportunity to speak with Secretary Perez in a hearing held by the Education and the Workforce Committee on the Department's work to draft a comprehensive rule and, importantly, a rule that is developed by working with diverse stakeholders and based on feedback from senior advocacy groups, civil rights groups, and the industry that provides these services.

This is the process that is currently underway. H.R. 1090 would stop this process. Secretary Perez is on record saying he is listening to feedback and incorporating changes. Let's allow the process to go forward, not stop it.

I have met with families and individuals across Oregon who are struggling to get ahead, and I know the sacrifice that is involved in each and every dollar they set aside to contribute to their future retirement. I am disappointed by the efforts today to stop this rule.

We need a level playing field to allow our constituents to take advantage of the many opportunities that exist to grow and protect their investment.

Finally, as a former consumer protection attorney, I learned and know that strong rules can empower consumers and bring transparency to the marketplace. This is what the Department of Labor is working toward, and I am disappointed in this bill's attempt to stop their important work to finish this rule.

I urge my colleagues to join me in opposition to H.R. 1090.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. WILLIAMS), another outstanding member of the House Financial Services Committee.

Mr. WILLIAMS. Mr. Speaker, President Obama would have us believe that the American people are incapable of making our own choices, that we are just not smart enough. From health care to education, to now personal re-

tirement accounts, the Obama administration thinks government knows best.

Remember when Obamacare architect Jonathan Gruber claimed "the stupidity of the American voter"? A recent administration ruling by the Department of Labor demonstrated this arrogance again when it said Americans "seldom have the training or specialized expertise necessary to prudently manage retirement assets on their own." This is unbelievable because the government can't even manage the taxpayers' dollars.

So their solution to our apparent stupidity is an \$80 billion ruling that will increase costs for low- to middle-income investors and limit access to quality investment advice. Some solution this is.

Mr. Speaker, there are already measures in place to provide incentives for advisers to act in their client's best interest, measures that are far less costly and far less restrictive.

To Jonathan Gruber, President Obama, and members of this administration who think they know better than the average American, let this bipartisan opposition illustrate how wrong they are.

Mr. Speaker, I urge passage of the Retail Investor Protection Act. In God we trust.

Ms. MAXINE WATERS of California. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, there are comments on this floor that said we had to listen to those who came. I want to stand and listen to the hardworking Americans who ultimately will retire.

I am tired of blocking good measures that protect them, such as the Labor Department's efforts to strengthen protections for working families and retirees by requiring their financial professionals who provide retirement investment advice be treated as fiduciaries under ERISA laws.

It is important to note that this is a simple requirement. It does not undermine the responsibilities or the profits of broker-dealers and others. It just simply says that they must be held to a standard to protect those retirees who have worked so very hard.

I oppose the underlying bill, H.R. 1090.

I am also glad to stand on the floor and support, however, H.R. 597, the Export-Import Bank Reform Reauthorization Act, finally to open the Bank and create jobs and opportunities for so many.

Again, let me say that I am standing with those workers who are not here, retirees who have worked, hardworking Americans who will have their investments protected, by making sure that those who give them advice are regulated and held to very high standards.

Mr. Speaker, I rise in opposition to H.R. 1090, the Retail Investor Protection Act.

I oppose this bill, because it would undermine efforts to curb conflicts of interest in the marketing and development of retirement investments, particularly for retail investors.

I support the efforts of individuals and businesses to succeed in the American economy.

Unfortunately for too long the success of some is coming at the total disregard for the rights of workers and their families.

Investments in a home, savings placed in retirement accounts or into 401ks are ways for working people to ensure that they will not live in poverty when they retire.

This bill would prevent the Department of Labor from addressing disparities in how the rights of investors are protected.

Broker-dealers trade securities for themselves or on behalf of their customers, and they typically charge a commission fee for each transaction and may also be compensated with a commission from the company whose securities they trade.

In making recommendations to clients and conducting transactions, they must adhere to "suitability" standards that ensure that their recommendations are suitable to the client's financial situation and objectives.

Investment advisers, meanwhile, who manage the employee retirement and benefit plans for private companies, must under the Employee Retirement Income Security Act (ERISA; PL 93-406) adhere to higher "fiduciary" standards and take actions that are in the best interests of the participants.

Among other things, such investment advisers must act solely for the interests of participants and beneficiaries and for the exclusive purpose of providing benefits and paying plan expenses.

They also must act prudently and avoid conflicts of interest. Investment advisers are paid through an annual flat fee for managing the investments, which is based on the size of the plan.

Broker-dealers are regulated by the Securities and Exchange Commission (SEC) and the Financial Industry Regulatory Authority (FINRA) under the suitability standard, while investment advisers are regulated more directly by the SEC under the higher fiduciary standard.

While employee retirement benefit plans are managed by investment advisers, individuals also invest on their own for retirement and other purposes and often use either investment advisers or broker-dealers to help them decide on investments and to perform the trades in stock or investment instruments.

The 2010 Dodd-Frank Act required the SEC in Section 913 of the act to report on the standards of care applicable to broker-dealers and investment advisers, and it authorized the SEC to issue rules to extend the fiduciary standard now applicable to investment advisers to broker-dealers when providing any advice about securities to retail customers.

According to the Financial Services Committee, in 2011 the SEC released a staff study recommending that both broker-dealers and investment advisers be held to a fiduciary standard "no less stringent than currently applied to investment advisers."

This past April, the Labor Department, acting under ERISA, proposed new rules regarding who is covered by ERISA's fiduciary standard and how that standard would be applied, saying that more needed to be done to protect individuals who are trying to invest and save for retirement.

The proposed rule would treat all financial advisers who provide retirement investment recommendations and make trades on behalf

of clients—including broker-dealers dealing with individual IRAs, 401(k) plan and other retirement investments—as fiduciaries under ERISA.

Under the proposal, financial advisers would be required to provide investment advice that is in the best interest of the retirement investor "without regard to the financial or other interests" of the financial institution, adviser or other party.

The SEC Rule allows retirement advisers to be paid in various ways as long as they are willing to put the interests of their customers first, in certain cases allowing advisers to receive common types of fees that fiduciaries otherwise can't receive under the law, such as commissions and revenue sharing.

The Labor Department is currently reviewing public comments received on its proposed rule and has not indicated when the final rule will be issued.

Supporters of the bill argue that it is needed to prevent a potentially harmful rule from going into effect.

The proposed Labor Department rule would be very costly to broker-dealers, requiring them to meet two separate standards when advising clients: the fiduciary standard when advising on retirement issues and the suitability standard for other investment matters.

The resulting high compliance and potential liability costs, they say, could drive many smaller broker-dealers out of the market for providing retirement advice or lead them to service only larger dollar accounts, thereby limiting access to professional retirement planning and guidance for those retail investors who need it most and likely resulting in a reduction in the overall level of retirement savings for American workers.

They note that the United Kingdom in 2013 implemented a similar rule, which has created an "advice gap" for 60,000 investors with smaller accounts.

The Dodd-Frank law, they say, gave the SEC the lead role in setting the fiduciary standards, and they argue that the SEC, not the Labor Department, is the better choice for developing those rules because it is much more familiar with investment markets.

In fact, they contend that the proposed Labor rule is confusing and actually conflicts with existing rules and securities market trading practices, and that it could disrupt the carefully considered regulatory regime applicable to broker-dealers and investment advisers that is administered by the SEC and FINRA.

Broker-dealers and others operating under the lower "suitability" standard often have a direct conflict of interest, directing their customers to higher-cost investments that have hidden fees or from which the advisers get backdoor payments.

We say this behavior in the predatory lending activity that led to the economic collapse in 2008.

Home purchasers who could qualify for lower fixed rates for new home purchases were only shown loans that had high interest triggers that would double or triple mortgages a few years after they were purchased.

The conflicts of interests in investment programs, the White House Council of Economic Advisers estimates, result in annual losses for affected U.S. investors of about 1 percentage point, or about \$17 billion per year in total.

The Labor Department's proposed fiduciary rule would require all retirement investors to

instead put their clients' best interests before their own profits.

Blocking the Labor Department from issuing its rule until the SEC acts on a standard-of-conduct rule for broker-dealers could effectively kill the critical consumer protections that would be provided by the Labor rule, since the bill does not require the SEC to ever issue its rule.

While the SEC should similarly update its rules governing investment advice related to securities, they argue that Congress should not hinge the Labor Department's efforts on the SEC's ability to do so.

Labor's rule was thoughtfully developed and would not cause disruptions in the market, they say, noting that the department worked with the SEC in developing the rule and that it has taken into account the concerns of stakeholders.

This bill prohibits the Labor Department from implementing a final rule on fiduciary standards for retirement investment advisers until after the Securities and Exchange Commission (SEC) conducts a study and issues a final rule setting standards of conduct for broker-dealers.

Specifically, the Labor Department could not exercise its authority under ERISA to define the circumstances under which an individual is considered a fiduciary until 60 days after the SEC issues a final rule regarding standards of conduct for broker-dealers pursuant to Section 913 of the Dodd-Frank Act.

The bill would not, however, require the SEC to issue a rule.

Prior to issuing a rule, the SEC must complete a study and report to Congress on whether retail investors are being harmed by the lower standard of care under which brokers and dealers operate, and offer alternate remedies to reduce confusion or harm to retail investors due to that different standard.

It also must investigate whether the adoption of a uniform fiduciary standard would adversely affect the commissions of brokers and dealers, the availability of proprietary products and the ability of brokers and dealers to engage with customers, as well as whether a uniform fiduciary standard would adversely affect access by retail investors to investment advice.

The conclusions in the report must be supported by economic analysis.

In developing a rule, the SEC would be required to consider differences in the registration, supervision and examination requirements applicable to brokers, dealers and investment advisers and publish formal findings that the rule would reduce confusion or harm to retail customers caused by the different standards of conduct.

I urge my colleagues to join me in opposition to this bill and protect the little that workers have from their shrinking wages to protect against falling into poverty once their work years have been spent in increasing the profits of employers.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas has 10 minutes remaining. The gentlewoman from California has 5 minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HILL), one of the hardest

working members on the House Financial Services Committee.

Mr. HILL. Mr. Speaker, in a chamber where we have no shortage of hyperbole and sanctimony, certainly this bill is no exception as I listen to the opposition.

Today I rise in strong support of H.R. 1090, the Retail Investor Protection Act. I want to thank Representative WAGNER for her leadership and the chairman for this time.

We are down to the bottom of the barrel if we are quoting NPR as a source of economic research. There is no credible research that justifies what the Department of Labor is doing.

Having worked in this industry for three decades, I can speak to this on a very personal basis.

Instead of working in harmony and complying with Dodd-Frank, the DOL is preempting the SEC and the FINRA and moving ahead with its own agenda.

As we have said today, there is broad consensus that financial advisers should act in the best interest of their customers, and they do. Any bad actors should be punished. There are existing rules and requirements for broker-dealers and investment managers to deal fairly and provide recommendations that are suitable for their customers and disclose conflicts of interest.

We have left the appearance in this room hanging that prices are skewed. In fact, most retail investment products are sold by a prospectus with fixed prices that are fully disclosed to retail investors.

We have heard today that this reproposal is an improvement over previous efforts by the Department of Labor. In fact, that is not true, Mr. Speaker. This pending rule is not an improvement.

It turns its back on best practices of new account openings and includes a dispute resolution that turns its back on dispute resolution practices in the industry that will increase litigation and hurt retail investors and brokers alike.

Representative SCOTT of Georgia calls this proposal a straightjacket for modest investors. I could not summarize it better.

I urge my colleagues to join me in supporting H.R. 1090 and protecting sound retirement advice for retail investors.

Ms. MAXINE WATERS of California. Mr. Speaker, I would like to inquire whether Mr. HENSARLING has any more speakers.

Mr. HENSARLING. Mr. Speaker, I have at least three more speakers.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. I yield 2 minutes to the gentleman from Minnesota (Mr. EMMER), who is last, but not least, on the House Financial Services Committee.

Mr. EMMER of Minnesota. Mr. Speaker, since this Congress was sworn in last January, I have received more

calls and emails and I have had more meetings with constituents and consumers of financial services about the Department of Labor's proposed fiduciary rule than perhaps any other issue that has faced us in Congress.

Why? Because the Department of Labor's proposed fiduciary rule, if it is ever fully implemented, will actually harm the very people that it is purported to protect, middle- and low-income investors.

Mr. Speaker, I came to Washington to fight against out-of-control, top-down government bureaucracies, and this DOL rule is their latest mad creation. We should look for ways to increase access to affordable, transparent, and high-growth financial products that meet the needs of all Americans, not limit them.

According to a recent study by Oliver Wyman, an international management consulting firm, the proposed rule will increase costs for investors by an average of 73 percent. This increase will harm the ability of millions of Americans to get professional financial advice.

This is particularly disturbing, considering research shows that assistance from a financial professional consistently leads to better retirement planning. For example, according to the same report: Advised individuals aged 35 to 54 years making less than \$100,000 per year had 51 percent more assets than similar nonadvised investors.

Nearly 60,000 of my constituents make a living supporting the financial services industry. How does this rule help them or the people they assist? I recently heard from a financial adviser in my district, Ken, from Blaine, Minnesota, who told me that this DOL rule is a solution in search of a problem and that it will adversely affect his clients.

Hardworking Minnesotans are gravely concerned that this rule will cause many financial advisers to severely limit the types of products that customers want, need, and desire or, even worse, it will force advisers out of the business.

I thank our friend, Mrs. WAGNER, for her leadership on this issue.

I urge my colleagues on both sides of the aisle to protect middle- and low-income investors by supporting the Retail Investor Protection Act.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, it was mentioned earlier about a hearing that we sat through in the Committee on Education and the Workforce on this rule, which frankly I couldn't believe.

The American people want choice, not another top-down government rule where you take away their choice. That is why I rise today in support of H.R. 1090, the Retail Investor Protection Act, to block the Department of Labor's misguided fiduciary rule.

All across Georgia's 12th District people depend on their trusted financial advisers to help manage their hard-earned savings and plan for future retirement.

As drafted, the Department of Labor's 1,000-page rule is simply unworkable. Unaltered, this burdensome regulation would harm the very people it is designed to protect the most by substantially limiting access and increasing costs of retirement planning.

The Federal Government has no right to prevent low- and middle-income families and small businesses from accessing affordable financial planning advice.

I urge my colleagues to stand up to the Department of Labor by supporting H.R. 1090.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 1090. I think that we don't have to go back too far to look at what is happening here right now.

It is almost a message to the American people: You poor, poor people. You can't possibly understand how to handle your physical health decisions. The government is going to have to step in and tell you how to handle your financial decisions because you just can't do it on your own.

So we attack those people who make a living of giving good advice to people who don't have the ability to navigate a very difficult terrain when it comes to their retirement.

□ 1730

So who is always there to step in? That knight in shining armor, that parasitic leviathan that just can't wait to gobble up every single asset that the American people have.

We talk about fiduciary responsibility. I would say that also falls in the House. Really, if you are acting in the best interests of those folks who you represent or those people whose problems you handle, you will probably get a chance to come back here. If you handle their retirement accounts the right way, they will probably keep you as their retirement adviser, and they will also refer you to other people who are having the same problem.

Isn't it amazing that it always comes down to the government because they know so much better than everyday Americans about the way things should be done. When we have to go after some group, what we do is we raise the bar so high, we put so much responsibility on them that at the end of the day, they say: You know what? I can't pony up in this game anymore. I can't ante up. I am going to get out of here. Then who is left? Oh, my goodness, thank God for this safety net of a Federal Government that has done such a marvelous job with Social Security, that does

such a marvelous job of protecting everyday Americans.

This is not a Republican initiative, and thank God for the gentlewoman from Missouri, the Show Me State, to show us what is happening here right now. The Department of Labor does not have to get involved in this. As has already been said, this is a solution hunting for a problem.

Why don't we just use good common sense? When it comes to lower income people and lower middle-income people, they look to those folks who do financial advising to help them get through that night, that dark night and get ready for retirement. Why in the world would we turn our back on the people who generate all this revenue?

Ms. MAXINE WATERS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I have no further speakers, and I am prepared to close.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

I think it is important for me to correct the RECORD about the U.K. investment advice experience. In predicting the worst outcome from the Department of Labor's rulemaking, my Republican colleagues frequently cite the United Kingdom. They argue small investors will lose access to their investment advice.

Let me set the record straight. According to outside consultants for the U.K. Financial Conduct Authority: Eliminating commissions has reduced investment bias and has contributed to an improvement in the quality of advice.

There is now more competitive pressure and lower product costs, and far from having an advice gap, there is excess capacity of about 5,000 advisers in the U.K. market today according to an analysis by Towers Watson. There is no evidence that consumers have been forced to go without advice as a result of the regulation.

I fear that we are comparing apples to oranges. That is because—unlike the U.K. regulation—the DOL proposal is a modest update that does not ban commissions. Rather, the proposal seeks to simply ensure that persons providing retirement investment advice put the interests of their clients ahead of their own.

This debate touches on a fundamental disagreement we continue to have in our respective parties. On the one hand, Democrats are acting on the belief that government should be the guardian of the interests of the people. It is a belief grounded in a fundamental truth: that our economy thrives with a rapidly growing and diverse middle class. For the middle class to grow, the American public must have confidence in our markets and be protected from bad actors.

On the other hand, Republicans continue to act to protect the interests of a free market, driven by profit, even if

it comes at the expense of the retirement savings of hardworking Americans. But we have seen the impact of the Republican free market on our economy, most recently in 2008, when the big banks on Wall Street, left to their own devices, caused the worst economic collapse in a generation, one that destroyed nearly \$16 trillion in household wealth and 9 million jobs, displaced 11 million Americans from their homes, and doubled the unemployment rate.

And yet my colleagues insist on advancing measures like H.R. 1090, which would encourage the continued exploitation of American workers and retirees on behalf of some financial advisers who put their own interests in profits first.

The current rules governing the provision of retirement investment advice allow conflicts that harm everyday Americans working hard to ensure that they can retire with dignity. Every moment we delay in updating those rules, unscrupulous advisers benefit \$1.4 billion a month at the expense of those everyday Americans.

With such large industry profits at stake, this issue will continue to be a prime target for the Republican majority. But I encourage my colleagues to resist those who are more interested in lining their pockets than protecting the interests of American retirees and workers.

I urge my colleagues to join me in voting "no" on H.R. 1090.

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

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

Again, let me remind all that the administration that told the American people, "If you like your doctor, you can keep them" is now telling us, "If you like your financial adviser, you can keep them." Not—not—in the face of the Department of Labor fiduciary rule.

The ranking member just brought up the U.K. experience. Well, it is funny, we heard something completely different from what she described in our hearing. What we heard was, "In the wake of the U.K. commission ban"—which, Mr. Speaker, is similar to what the DOL fiduciary rule is—"the largest banks have significantly raised the minimum account balances required before they will offer financial advice to investors."

The number of advisers serving retail accounts plunged by 23 percent. Tens of thousands are going without financial advice because their accounts aren't large enough. What my friends on the other side of the aisle would do by backing this DOL rule is take it away. You don't count. You are not rich enough to get any financial advice. You can't grow your savings.

How ironic, Mr. Speaker, that the very same Department of Labor has come out with a study saying that investors who do not use investment ad-

vice are losing \$114 billion a year. And yet what do my friends on the other side of the aisle do in cahoots with the Department of Labor? They take away—they take away—their professional advice.

Here is a radical idea—and I admit it is radical—it is called freedom. Why don't we let the customer have the freedom of choice? My friends on the other side of the aisle use a red herring about disclosure and conflict of interest.

There already are rules on the books. FINRA has disclosure rules, conflict of interest rules. We believe them. They ought to be enforced. If they are not obeyed, broker-dealers can have fines, they can lose their license. If they are fraudulent, the Department of Justice can criminally prosecute. That is a complete red herring.

The issue here today is whether or not low- and moderate-income people can get access to financial advice under a commission-based model in order to grow their retirement accounts, so they can have the safety and security that so many Members of Congress already enjoy. Mr. Speaker, isn't that what is fair? Isn't that what is right? Why don't we have disclosure, and then why don't we let people choose?

I just want to come here urging all Members to support H.R. 1090. I want to thank the gentlewoman from Missouri (Mrs. WAGNER). She has been at the forefront of this battle all over the Nation. She should be recognized as the hero she is in fighting for working Americans' retirement security.

I would urge that we all support this bill. It is so critical to the future retirement security of all those who struggle every day.

We have got a case study right now in the U.K. We do not want to repeat this. Let's protect them. Let's enact H.R. 1090, the Retail Investor Protection Act.

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

Mr. VAN HOLLEN. Mr. Speaker, today's legislation is very similar to a bill introduced by Rep. WAGNER in the last Congress. I opposed that bill then, and for essentially the same reasons will oppose this bill now.

As I indicated last year, I support consumer choice and believe there is room for a variety of different business models in the financial services marketplace. I also believe consumers have a right to full transparency regarding compensation arrangements and to recommendations from financial services professionals that are based on the consumers' best interests.

In my judgment, the Department of Labor shares these convictions and has proposed a workable Fiduciary Rule that embodies both of these principles. Moreover, whenever our office has raised specific issues that we believed warranted further clarification or adjustment—from so-called level-to-level funding, to the appropriate distinction between education and advice, to the role of annuities and other insurance products in Americans' retirement security—we have found the Department both

knowledgeable about, and responsive to, the concerns being raised.

While I support the Securities and Exchange Commission promulgating its own Fiduciary Rule, I do not believe the Department of Labor—or the retirement security of millions of Americans—can or should wait on action by the SEC. Accordingly, I oppose this legislation.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amend section 2 to read as follows:

SEC. 2. RULES DEFINING CERTAIN FIDUCIARIES.

(a) RULEMAKING.—The Securities and Exchange Commission shall issue a new or revised rule relating to standards of conduct for brokers and dealers pursuant to the second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) not later than the end of the 60-day period beginning on the date that the Secretary of Labor issued a final rule based on the ERISA fiduciary rule.

(b) COORDINATION REQUIRED.—In issuing a rule described under subsection (a), the Securities and Exchange Commission shall coordinate with the Secretary of Labor.

(c) ERISA FIDUCIARY RULE DEFINED.—For purposes of this section, the term “ERISA fiduciary rule” means the proposed rule of the Department of Labor titled “Definition of the Term ‘Fiduciary’; Conflict of Interest Rule—Retirement Investment Advice; Proposed Rule”, published April 20, 2015.

The SPEAKER pro tempore. Pursuant to House Resolution 491, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Speaker, I rise in support of my amendment to H.R. 1090, the so-called Retail Investor Protection Act.

Mr. Speaker, if adopted, my amendment would allow the Department of Labor to complete and adopt a rule to require that investment advisers act solely in the best interest of the workers and retirees who rely upon them in making financial decisions regarding their retirement.

I bet most Americans think that financial advisers are already required to act in the retirees’ best interest. Unfortunately, the bad news is that that is not the state of the law today. The good news, however, is that, hopefully, if we can defeat H.R. 1090—and the President has promised to veto this bill—that situation may be about to change.

At the outset, it is important to remember that this issue concerns the retirement security of all Americans. It is important that we get this right.

Congress, in its wisdom—obviously, this was a previous Congress—gave the DOL exclusive jurisdiction regarding retirement plans under the Employee Retirement Income Security Act of 1974. In doing so, Congress recognized that retirement is different.

Previous Congresses realized the importance of protecting workers and retirees by imposing a higher standard of care and loyalty upon financial advisers who offer services and sell stocks or bonds or other assets to be included in retirement plans. Again, that is because retirement is different.

The basic idea of retirement plans works like this: if the average worker sets aside a small amount of wages regularly over 30 or 35 years that they are in the workforce and that amount is invested prudently and allowed to grow, then through proper investment and the miracle of compound interest, that worker will likely have a sizable nest egg upon which they can rely in retirement.

Investing for retirement is also different in another context. It has grave consequences if it is done improperly or neglected. There is no second chance if you are at the end of your working life. You can’t go back. This is your nest egg. It is tough to go out and get another job when you are at the age of retirement. You are out of time. So workers have a lot at stake.

There are huge risks for workers if their retirement contributions over 30 years are not invested in a way that is in their best interest. They should be able to rely on the fact that their sacrifice, that their savings have been invested in a way that is in their best interest, not in the best interest of the financial adviser or the investment company. Again, however, that is not the case of the law today.

Right now, most—but not all—financial advisers are often paid extra money, extra fees, a higher commission to offer a retiree or a worker particular advice or a particular product that are in the financial adviser’s best interests because they carry higher fees or larger commissions, but those products and services may not be in the worker’s or retiree’s best interest.

It is a basic law of economics. If financial advisers are paid more for recommending a particular fund over another, they will recommend that fund that they get paid more to recommend, even though it may not be in the client’s best interest. That presents a classic example of conflict of interest.

Now, I support rulemaking for a fiduciary standard by the DOL, and I agree that the SEC should thereafter harmonize its rules. Investment advisers should be held to a standard of care and loyalty to workers and retirees which requires that the adviser must act solely in the best interest of the worker who is investing for their retirement. However, H.R. 1090, in its current form, would harm people saving for retirement by blocking the DOL’s rule and allowing financial advisers to act in their own financial interest instead of their client’s best interests.

In closing, I urge my colleagues to support this amendment. All investment advisers must be held to an essential standard of care and loyalty

when providing advice to their clients, particularly clients who are saving for retirement.

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

Mr. HENSARLING. Mr. Speaker, I claim the time in opposition.

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

Mr. HENSARLING. Mr. Speaker, this amendment essentially guts the Retail Investor Protection Act and puts the Department of Labor, once again, in the driver’s seat to deny potentially millions of our fellow countrymen, low- and moderate-income people, the right to have their own financial adviser, the right to have financial advice on a commission basis.

In many respects, the gentleman’s amendment just gives us an opportunity to vote on the same matter twice, so I am not sure exactly what is being attempted to be achieved with this.

□ 1745

Again, Mr. Speaker, it is competition, it is innovation that has brought us something called the \$7 trade. And my guess is, Warren Buffett doesn’t necessarily need a \$7 trade, but there are a lot of good folks, small business people, factory workers in Mesquite, farmers out near Mineola, Texas, good folks in the Fifth Congressional District, when they are planning for their retirement security, when they are trying to preserve their 401(k), their IRAs, they need that.

Again, if we adopt the amendment of the gentleman from Massachusetts, we are right back to where we are—denying the ability for low and moderate-income people to have a choice in how they receive their financial advice, even if they will receive it. That is unacceptable, and I would urge a rejection of this amendment.

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

Mr. LYNCH. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore (Mr. JOLLY). The gentleman from Massachusetts has 30 seconds remaining.

Mr. LYNCH. Mr. Speaker, the heart of this matter is that my amendment just changes the standard upon which that advice needs to be made. The advice that we have in financial advisers giving to retirees and workers who desperately need the opportunity to invest, you know, these IRAs and retirement vehicles are a blessing to us. All it does is require that that advice be given without any conflict, that it be given in the best interest of the retiree or the worker who is making that investment. That is the only change here that is required.

I think it is a good change. It is a necessary change. It is one for the American worker.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, how much time do I have remaining, please.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The gentleman from Texas has 3½ minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Missouri (Mrs. WAGNER), the author of H.R. 1090, the Retail Investor Protection Act.

Mrs. WAGNER. Mr. Speaker, I thank the chairman again for his support and all my colleagues who have come down here to the floor to speak on behalf of those low- and middle-income investors that need good, sound advice when it comes to their financial security and their retirement.

We all agree that every American who is saving for the future deserves to have the very, very best advice based on the needs for their retirement investments and savings for the future.

With all due respect to the gentleman from Massachusetts, what his amendment does is completely flip-flop the Retail Investor Protection Act. It says that the DOL should go ahead of the SEC.

The Department of Labor is completely out of its lane when it comes to this particular matter. It is the Security and Exchange Commission that is absolutely the expert when it comes to promulgating any kind of rule, regulation, or oversight in this area.

We have laws and rules already on the books, through FINRA, through the SEC, to make sure that savers are getting the best advice they possibly can for the future.

It is clear in Dodd-Frank—and I find it almost impossible to believe that the minority thinks that somehow that Section 913 of Dodd-Frank, which says specifically that the SEC should take care of this space, should be promulgating rules and regulations and deciding how to go forward in this space, that somehow they now think that the Department of Labor should be allowed to promulgate, including addendums and exemptions, another thousand-page rule on the American people.

Mr. Speaker, the American people are tired of this “Washington knows best, top-down government.” It is wrong. We have heard it from the chairman and others, whether it had to do with food, energy, or health care.

I believe in freedom. I believe in the American people that they can choose their investment advice, their savings advice themselves, and they are entitled to that freedom and to their right.

We do not need another government-promulgated, “Washington knows best” rule from the Department of Labor that is going to put access people, choice people, and cost those low- and middle-income investors out of this entire savings retirement future.

So I implore my colleagues to reject the amendment from my colleague, Congressman LYNCH, and to support the Retail Investor Protection Act, H.R. 1090.

I thank the chairman for his time and effort and the entire committee

and, again, all the colleagues, those who even wanted to come to the floor to speak on this issue because their constituents are so very concerned about their personal retirement savings and freedom.

Mr. HENSARLING. Mr. Speaker, I would just urge all Members to vote for freedom, to vote for opportunity, to vote for empowerment of the farmers, the factory workers, the low- and moderate-income people, the single moms, all building a retirement security.

Reject the amendment of the gentleman from Massachusetts, and vote for H.R. 1090, the Retail Investor Protection Act from the gentlewoman from Missouri (Mrs. WAGNER).

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from Massachusetts (Mr. LYNCH).

The question is on the amendment by the gentleman from Massachusetts.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on a motion to recommit, if ordered; passage of the bill, if ordered; and passage of H.R. 597.

The vote was taken by electronic device, and there were—yeas 184, nays 246, not voting 4, as follows:

[Roll No. 574]

YEAS—184

Adams	Davis, Danny	Jackson Lee
Aguilar	DeFazio	Jeffries
Bass	DeGette	Johnson (GA)
Beatty	Delaney	Johnson, E. B.
Becerra	DeLauro	Jones
Bera	DeBene	Kaptur
Beyer	DeSaulnier	Keating
Bishop (GA)	Deutch	Kelly (IL)
Blumenauer	Dingell	Kennedy
Bonamici	Doggett	Kildee
Boyle, Brendan F.	Doyle, Michael F.	Kilmer
Brady (PA)	Duckworth	Kind
Brown (FL)	Edwards	Kirkpatrick
Brownley (CA)	Ellison	Kuster
Bustos	Engel	Langevin
Butterfield	Eshoo	Larsen (WA)
Capps	Esty	Larson (CT)
Capuano	Farr	Lawrence
Cárdenas	Fattah	Lee
Carney	Foster	Levin
Carson (IN)	Frankel (FL)	Lewis
Cartwright	Fudge	Lieu, Ted
Castor (FL)	Gabbard	Lipinski
Castro (TX)	Galleo	Loeb sack
Chu, Judy	Garamendi	Lofgren
Ciциlline	Graham	Lowenthal
Clark (MA)	Grayson	Lowe y
Clarke (NY)	Green, Al	Lujan Grisham (NM)
Clay	Green, Gene	Luján, Ben Ray (NM)
Cleaver	Grijalva	Lynch
Clyburn	Gutiérrez	Maloney,
Cohen	Hahn	Carolyn
Connolly	Hastings	Maloney, Sean
Conyers	Heck (WA)	Matsui
Cooper	Higgins	McCollum
Costa	Himes	McDermott
Courtney	Hinojosa	McGovern
Crowley	Honda	McNerney
Cuellar	Hoyer	Meeks
Cummings	Huffman	Meng
Davis (CA)	Israel	

Moore	Rice (NY)	Takano
Moulton	Richmond	Thompson (CA)
Murphy (FL)	Roybal-Allard	Thompson (MS)
Nadler	Ruiz	Titus
Napolitano	Ruppersberger	Tonko
Neal	Rush	Torres
Nolan	Ryan (OH)	Tsongas
Norcross	Sánchez, Linda T.	Van Hollen
O'Rourke	Sanchez, Loretta	Vargas
Pallone	Schakowsky	Veasey
Pascrell	Schiff	Vela
Payne	Schrader	Velázquez
Pelosi	Scott (VA)	Visclosky
Perlmutter	Serrano	Walz
Peters	Sewell (AL)	Wasserman
Peterson	Sherman	Schultz
Pingree	Sires	Waters, Maxine
Pocan	Slaughter	Watson Coleman
Polis	Smith (WA)	Welch
Price (NC)	Speier	Wilson (FL)
Quigley	Swalwell (CA)	Yarmuth
Rangel		

NAYS—246

Abraham	Goodlatte	Miller (MI)
Aderholt	Gosar	Moolenaar
Allen	Gowdy	Mooney (WV)
Amash	Granger	Mullin
Amodei	Graves (GA)	Mulvaney
Ashford	Graves (LA)	Murphy (PA)
Babin	Graves (MO)	Neugebauer
Barletta	Griffith	Newhouse
Barr	Grothman	Noem
Barton	Guinta	Nugent
Benishek	Guthrie	Nunes
Billakis	Hanna	Olson
Bishop (MI)	Hardy	Palazzo
Bishop (UT)	Harper	Palmer
Black	Harris	Paulsen
Blackburn	Hartzler	Pearce
Blum	Heck (NV)	Perry
Bost	Hensarling	Pittenger
Boustany	Herrera Beutler	Pitts
Brady (TX)	Hice, Jody B.	Poe (TX)
Brat	Hill	Poliquin
Bridenstine	Holding	Pompeo
Brooks (AL)	Hudson	Posey
Brooks (IN)	Huelskamp	Price, Tom
Buchanan	Huizenga (MI)	Ratcliffe
Buck	Hultgren	Reed
Bucshon	Hunter	Reichert
Burgess	Hurd (TX)	Renacci
Byrne	Hurt (VA)	Ribble
Calvert	Issa	Rice (SC)
Carter (GA)	Jenkins (KS)	Rigell
Carter (TX)	Jenkins (WV)	Roby
Chabot	Johnson (OH)	Roe (TN)
Chaffetz	Johnson, Sam	Rogers (AL)
Clawson (FL)	Jolly	Rogers (KY)
Coffman	Jordan	Rohrabacher
Cole	Joyce	Rokita
Collins (GA)	Katko	Rooney (FL)
Collins (NY)	Kelly (MS)	Ros-Lehtinen
Conaway	Kelly (PA)	Ross
Cook	King (IA)	Rothfus
Costello (PA)	King (NY)	Rouzer
Cramer	Kinzinger (IL)	Royce
Crawford	Kline	Russell
Crenshaw	Knight	Ryan (WI)
Culberson	Labrador	Salmon
Curbelo (FL)	LaHood	Sanford
Davis, Rodney	LaMalfa	Scalise
Denham	Lamborn	Schweikert
Dent	Lance	Scott, Austin
DeSantis	Latta	Scott, David
DesJarlais	LoBiondo	Sensenbrenner
Diaz-Balart	Long	Sessions
Dold	Loudermilk	Shimkus
Donovan	Love	Shuster
Duffy	Lucas	Simpson
Duncan (SC)	Luetkemeyer	Sinema
Duncan (TN)	Lummis	Smith (MO)
Ellmers (NC)	MacArthur	Smith (NE)
Emmer (MD)	Marchant	Smith (NJ)
Farenthold	Marino	Smith (TX)
Fincher	Massie	Stefanik
Fitzpatrick	McCarthy	Stewart
Fleischmann	McCaul	Stivers
Fleming	McClintock	Stutzman
Flores	McHenry	Thompson (PA)
Forbes	McKinley	Thornberry
Fortenberry	McMorris	Tiberi
Fox	Rodgers	Tipton
Franks (AZ)	McSally	Trott
Frelinghuysen	Meadows	Turner
Garrett	Meehan	Upton
Gibbs	Messer	Valadao
Gibson	Mica	Wagner
Gohmert	Miller (FL)	Walberg

Walden Westmoreland Yoho
Walker Whitfield Young (AK)
Walorski Williams Young (IA)
Walters, Mimi Wilson (SC)
Weber (TX) Wittman Young (IN)
Webster (FL) Womack Zinke
Wenstrup Woodall
Westerman Yoder

NOT VOTING—4

Comstock Sarbanes
Roskam Takai

□ 1817

Messrs. MEEHAN, GOHMERT, ROHRABACHER, and SAM JOHNSON of Texas changed their vote from “yea” to “nay.”

Mr. MURPHY of Florida and Ms. BASS changed their vote from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

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.

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

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

Mrs. WAGNER. Mr. 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 245, nays 186, not voting 3, as follows:

[Roll No. 575]

YEAS—245

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

Lucas Luetkemeyer
Lummis Pompeo
MacArthur Posey
Marino Price, Tom
Massie Ratcliffe
McCarthy Reed
McCaul Reichert
McClintock Renacci
McHenry Ribble
McKinley Rice (SC)
McMorris Rigell
Rodgers Roby
McSally Roe (TN)
Meadows Rogers (AL)
Meehan Rogers (KY)
Messer Rohrabacher
Mica Rokita
Miller (FL) Rooney (FL)
Miller (MI) Ros-Lehtinen
Moolenaar Ross
Mooney (WV) Rothfus
Mullin Rouzer
Mulvaney Royce
Murphy (PA) Russell
Neugebauer Ryan (WI)
Newhouse Salmon
Noem Sanford
Nugent Scalise
Nunes Schweikert
Olson Scott, Austin
Palazzo Scott, David
Palmer Sensenbrenner
Paulsen Sessions
Pearce Shimkus
Perry Shuster
Pittenger Simpson
Pitts Smith (MO)

NAYS—186

Adams Farr
Aguilar Fattah
Bass Foster
Beatty Frankel (FL)
Becerra Fudge
Bera Gabbard
Beyer Gallego
Bishop (GA) Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Sires
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean

Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—3

Roskam Takai Whitfield

□ 1825

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPORT-IMPORT BANK REFORM AND REAUTHORIZATION ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 597) to reauthorize the Export-Import Bank of the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 313, nays 118, not voting 3, as follows:

[Roll No. 576]

YEAS—313

Adams Cook Green, Al
Aderholt Cooper Green, Gene
Aguilar Costa Griffith
Amodei Costello (PA) Grijalva
Ashford Courtney Grothman
Barletta Cramer Guinta
Barton Crenshaw Gutiérrez
Bass Crowley Hahn
Beatty Cuellar Hanna
Becerra Cummings Hardy
Benishek Curbelo (FL) Harper
Bera Davis (CA) Hartzler
Beyer Davis, Danny Hastings
Bishop (GA) Davis, Rodney Heck (WA)
Blumenauer DeFazio Herrera Beutler
Bonamici DeGette Higgins
Bost Delaney Himes
Boustany DeLauro Hinojosa
Boyle, Brendan DelBene Honda
F. Denham Hoyer
Brady (PA) Dent Huffman
Brady (TX) DeSaulnier Hultgren
Bridenstine Deutch Hunter
Brooks (AL) Diaz-Balart Hurd (TX)
Brooks (IN) Dingell Israel
Brown (FL) Doggett Issa
Brownley (CA) Dold Jackson Lee
Buchanan Donovan Jeffries
Bucshon Doyle, Michael Jenkins (WV)
Bustos F. Johnson (GA)
Butterfield Duckworth Johnson (OH)
Byrne Edwards Johnson, E. B.
Calvert Ellison Jolly
Capps Ellmers (NC) Joyce
Capuano Engel Kaptur
Cárdenas Eshoo Katko
Carney Esty Keating
Carson (IN) Farr Kelly (IL)
Carter (GA) Schiff Kelly (MS)
Carterwright Fincher Kelly (PA)
Castor (FL) Fitzpatrick Kennedy
Castro (TX) Fortenberry Kildee
Chu, Judy Foster Kilmer
Cicilline Frankel (FL) Kind
Clark (MA) Frelinghuysen King (NY)
Clarke (NY) Fudge Kinzinger (IL)
Clay Gabbard Kirkpatrick
Cleaver Gallego Kline
Clyburn Garamendi Knight
Cohen Gibbs Kuster
Cole Gibson LaHood
Collins (NY) Graham Langevin
Comstock Granger Larsen (WA)
Connolly Graves (LA) Larson (CT)
Conyers Graves (MO) Lawrence