

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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AMENDMENT TO RULES COMMITTEE PRINT 113-

47

OFFERED BY MR. GARRETT OF NEW JERSEY

Page 55, after line 2, insert the following:

1 SEC. ____ . TREATMENT OF CERTAIN FUNDS.

2 (a) AMENDMENT TO THE DEFINITION OF COM-
3 MODITY POOL OPERATOR.—Section 1a(11) of the Com-
4 modity Exchange Act (7 U.S.C. 1a(11)) is amended by
5 adding at the end the following:

6 “(C)(i) The term ‘commodity pool oper-
7 ator’ does not include a person who serves as
8 an investment adviser to an investment com-
9 pany registered pursuant to section 8 of the In-
10 vestment Company Act of 1940 or a subsidiary
11 of such a company, if the investment company
12 or subsidiary invests, reinvests, owns, holds, or
13 trades in commodity interests limited to only fi-
14 nancial commodity interests.

15 “(ii) For purposes of this subparagraph
16 only, the term ‘financial commodity interest’
17 means a futures contract, an option on a fu-
18 tures contract, or a swap, involving a com-
19 modity that is not an exempt commodity or an

1 agricultural commodity, including any index of
2 financial commodity interests, whether cash set-
3 tled or involving physical delivery.

4 “(iii) For purposes of this subparagraph
5 only, the term ‘commodity’ does not include a
6 security issued by a real estate investment
7 trust, business development company, or issuer
8 of asset-backed securities, including any index
9 of such securities.”.

10 (b) AMENDMENT TO THE DEFINITION OF COM-
11 MODITY TRADING ADVISOR.—Section 1a(12) of such Act
12 (7 U.S.C. 1a(12)) is amended by adding at the end the
13 following:

14 “(E) The term ‘commodity trading advisor’
15 does not include a person who serves as an in-
16 vestment adviser to an investment company reg-
17 istered pursuant to section 8 of the Investment
18 Company Act of 1940 or a subsidiary of such
19 a company, if the commodity trading advice re-
20 lates only to a financial commodity interest, as
21 defined in paragraph (11)(C)(ii) of this section.
22 For purposes of this subparagraph only, the
23 term ‘commodity’ does not include a security
24 issued by a real estate investment trust, busi-
25 ness development company, or issuer of asset-

1 backed securities, including any index of such
2 securities.”

