

**AMENDMENT TO RULES COMMITTEE PRINT 113-**

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**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.”.

