

116TH CONGRESS
1ST SESSION

H. R. 4246

To amend the Commodity Exchange Act to clarify the venue for judicial review of Commission rules, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2019

Mrs. KIRKPATRICK introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Commodity Exchange Act to clarify the venue for judicial review of Commission rules, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. JUDICIAL REVIEW OF COMMISSION RULES.**

4 The Commodity Exchange Act (7 U.S.C. 1 et seq.)
5 is amended by adding at the end the following:

6 **“SEC. 24. JUDICIAL REVIEW OF COMMISSION RULES.**

7 “(a) A person adversely affected by a rule of the
8 Commission promulgated under this Act may obtain re-

1 view of the rule in the United States Court of Appeals
2 for the District of Columbia Circuit or the United States
3 Court of Appeals for the circuit where the party resides
4 or has the principal place of business, by filing in the
5 court, within 60 days after publication in the Federal Reg-
6 ister of the entry of the rule, a written petition requesting
7 that the rule be set aside.

8 “(b) A copy of the petition shall be transmitted forth-
9 with by the clerk of the court to an officer designated by
10 the Commission for that purpose. Thereupon the Commis-
11 sion shall file in the court the record on which the rule
12 complained of is entered, as provided in section 2112 of
13 title 28, United States Code, and the Federal Rules of
14 Appellate Procedure.

15 “(c) On the filing of the petition, the court has juris-
16 diction, which becomes exclusive on the filing of the
17 record, to affirm and enforce or to set aside the rule in
18 whole or in part.

19 “(d) The court shall affirm and enforce the rule un-
20 less the Commission’s action in promulgating the rule is
21 found to be arbitrary, capricious, an abuse of discretion,
22 or otherwise not in accordance with law; contrary to con-
23 stitutional right, power, privilege, or immunity; in excess
24 of statutory jurisdiction, authority, or limitations, or short

1 of statutory right; or without observance of procedure re-
2 quired by law.”.

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