

The draft legislation preserved the status quo \*\*\* rather embracing the future and providing meaningful competition.

But during the last several days, several key provisions were included that put this legislation back on track. The Conference included a provision that will jump-start local-into-local, and also included a provision that will permit many consumers to continue receiving two distant network signals.

With the addition of these two provisions, Congress can now genuinely represent to consumers that they will have a choice—and soon. This holiday season, for the first time, consumers will be able to go into their local consumer electronics store and purchase a true alternative to cable.

Until today, many consumers who considered buying satellite service decided not to buy it because satellite was missing a key ingredient: local broadcast channels. This legislation adds the missing ingredient. And every indication is that satellite subscribership will increase as a result.

Moreover, by phasing in local broadcasters' retransmission consent rights, this bill will jump-start local-into-local service. By this Christmas, tens of millions of satellite consumers will have access to local broadcast channels. DIRECTV alone will offer local broadcast channels to up to 50 million homes.

That accounts for about half of the nation's TV households. That's also a recipe for meaningful competition. And that's why I urge my colleagues to join me in supporting this Conference Report.

In closing, Mr. Speaker, let me acknowledge the work of several of my colleagues on the Conference. I commend the work of Mr. TAUZIN, Mr. OXLEY, and Mr. MARKEY, as well as the commitment of Mr. HYDE, Mr. COBLE, and Mr. GOODLATTE.

I also want to extend a special thanks to the Chairman of the Senate Judiciary Committee, Mr. HATCH. He and I worked closely together these last few days in an effort to forge a bill that not only would be good for consumers, but also a bill that key industry participants could jointly support. I commend him for his fine work in this area.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of H.R. 1554, which I supported in an earlier vote on the floor. This conference report redefines the role of our telecommunications industry by establishing fair competition for those participating within this industry.

This bill is an important one for several reasons. First, because it provides the rules and regulations that will allow satellite service providers, like Prime Star and Direct TV, to compete for television services in areas that have until now, been traditionally dominated by cable companies.

In the past, satellite service providers, unlike their land-based competitors, have not been allowed to re-broadcast local television signals. The result of this inequity has seriously undermined the ability of dish providers to provide meaningful competition to cable, notwithstanding the development of small dish-based systems that are more affordable than ever before.

This bill rectifies this situation, by finally allowing satellite service providers to provide local television programming to their customers. This means that my constituents in Houston will be able to select between at least

two services to satisfy their television needs. The fact that we are giving dish-providers the ability to rebroadcast local signals, however, does not come without additional responsibility. Under this bill, dish-providers will not be able to carry only those signals that stand to earn them a great deal of profit—they must also carry all of those local signals that are required of the cable companies. After all, this bill was designed in order to erase inequities, not further them.

Another mechanism in this bill that provides for an equal footing is the non-discrimination clause, which tells broadcasters that they must make their signals available for rebroadcast by cable and satellite companies. This prevents broadcasters from altering the landscape of competition in their markets by tipping the scales in favor of one side over the other by allowing them to choose who will have the rights to re-broadcast their signals.

Most of all, however, I am convinced that we are addressing a topic that is vital to our constituents. Mr. Speaker, I would like to thank this bill's sponsors and those who participated in the conference on moving forward with this needed bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) that the House suspend the rules and agree to the conference report on the bill, H.R. 1554.

The question was taken.

Mr. COBLE. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1390

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1390.

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

There was no objection.

#### DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 335) to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes, as amended.

The Clerk read as follows:

S. 335

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

#### TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT

Sec. 101. Short title.

Sec. 102. Restrictions on mailings using misleading references to the United States Government.

Sec. 103. Restrictions on sweepstakes and deceptive mailings.

Sec. 104. Postal service orders to prohibit deceptive mailings.

Sec. 105. Temporary restraining order for deceptive mailings.

Sec. 106. Civil penalties and costs.

Sec. 107. Administrative subpoenas.

Sec. 108. Requirements of promoters of skill contests or sweepstakes mailings.

Sec. 109. State law not preempted.

Sec. 110. Technical and conforming amendments.

Sec. 111. Effective date.

#### TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY

Sec. 201. Short title.

Sec. 202. Portability of service credit.

Sec. 203. Certain transfers to be treated as a separation from service for purposes of the thrift savings plan.

Sec. 204. Clarifying amendments.

#### TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.

Sec. 301. Transfer of certain property to State and local governments.

#### TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Deceptive Mail Prevention and Enforcement Act".

##### SEC. 102. RESTRICTIONS ON MAILINGS USING MISLEADING REFERENCES TO THE UNITED STATES GOVERNMENT.

Section 3001 of title 39, United States Code, is amended—

(1) in subsection (h)—

(A) in the first sentence by striking "contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement" and inserting the following: "which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government"; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "and" at the end;

(ii) in subparagraph (B) by striking "or" at the end and inserting "and"; and

(iii) by inserting after subparagraph (B) the following:

"(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any purchase or nonpurchase; or";

(2) in subsection (i) in the first sentence—

(A) in the first sentence by striking "contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement" and inserting the following: "which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or

program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government'; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "and" at the end;

(ii) in subparagraph (B) by striking "or" at the end and inserting "and"; and

(iii) by inserting after subparagraph (B) the following:

"(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any contribution or noncontribution; or";

(3) by redesignating subsections (j) and (k) as subsections (m) and (n), respectively; and

(4) by inserting after subsection (i) the following:

"(j)(1) Any matter otherwise legally acceptable in the mails which is described in paragraph (2) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs;

"(2) Matter described in this paragraph is any matter that—

"(A) constitutes a solicitation for the purchase or payment for any product or service that—

"(i) is provided by the Federal Government; and

"(ii) may be obtained without cost from the Federal Government; and

"(B) does not contain a clear and conspicuous statement giving notice of the information set forth in clauses (i) and (ii) of subparagraph (A).";

#### SEC. 103. RESTRICTIONS ON SWEEPSTAKES AND DECEPTIVE MAILINGS.

Section 3001 of title 39, United States Code, is amended by inserting after subsection (j) (as added by section 102(4)) the following:

"(k)(1) In this subsection—

"(A) the term 'clearly and conspicuously displayed' means presented in a manner that is readily noticeable, readable, and understandable to the group to whom the applicable matter is disseminated;

"(B) the term 'facsimile check' means any matter that—

"(i) is designed to resemble a check or other negotiable instrument; but

"(ii) is not negotiable;

"(C) the term 'skill contest' means a puzzle, game, competition, or other contest in which—

"(i) a prize is awarded or offered;

"(ii) the outcome depends predominately on the skill of the contestant; and

"(iii) a purchase, payment, or donation is required or implied to be required to enter the contest; and

"(D) the term 'sweepstakes' means a game of chance for which no consideration is required to enter.

"(2) Except as provided in paragraph (4), any matter otherwise legally acceptable in the mails which is described in paragraph (3) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(3) Matter described in this paragraph is any matter that—

"(A)(i) includes entry materials for a sweepstakes or a promotion that purports to be a sweepstakes; and

"(ii)(I) does not contain a statement that discloses in the mailing, in the rules, and on the order or entry form, that no purchase is necessary to enter such sweepstakes;

"(II) does not contain a statement that discloses in the mailing, in the rules, and on the order or entry form, that a purchase will not improve an individual's chances of winning with such entry;

"(III) does not state all terms and conditions of the sweepstakes promotion, including the rules and entry procedures for the sweepstakes;

"(IV) does not disclose the sponsor or mailer of such matter and the principal place of business or an address at which the sponsor or mailer may be contacted;

"(V) does not contain sweepstakes rules that state—

"(aa) the estimated odds of winning each prize;

"(bb) the quantity, estimated retail value, and nature of each prize; and

"(cc) the schedule of any payments made over time;

"(VI) represents that individuals not purchasing products or services may be disqualified from receiving future sweepstakes mailings;

"(VII) requires that a sweepstakes entry be accompanied by an order or payment for a product or service previously ordered;

"(VIII) represents that an individual is a winner of a prize unless that individual has won such prize; or

"(IX) contains a representation that contradicts, or is inconsistent with sweepstakes rules or any other disclosure required to be made under this subsection, including any statement qualifying, limiting, or explaining the rules or disclosures in a manner inconsistent with such rules or disclosures;

"(B)(i) includes entry materials for a skill contest or a promotion that purports to be a skill contest; and

"(ii)(I) does not state all terms and conditions of the skill contest, including the rules and entry procedures for the skill contest;

"(II) does not disclose the sponsor or mailer of the skill contest and the principal place of business or an address at which the sponsor or mailer may be contacted; or

"(III) does not contain skill contest rules that state, as applicable—

"(aa) the number of rounds or levels of the contest and the cost to enter each round or level;

"(bb) that subsequent rounds or levels will be more difficult to solve;

"(cc) the maximum cost to enter all rounds or levels;

"(dd) the estimated number or percentage of entrants who may correctly solve the skill contest or the approximate number or percentage of entrants correctly solving the past 3 skill contests conducted by the sponsor;

"(ee) the identity or description of the qualifications of the judges if the contest is judged by other than the sponsor;

"(ff) the method used in judging;

"(gg) the date by which the winner or winners will be determined and the date or process by which prizes will be awarded;

"(hh) the quantity, estimated retail value, and nature of each prize; and

"(ii) the schedule of any payments made over time; or

"(C) includes any facsimile check that does not contain a statement on the check itself that such check is not a negotiable instrument and has no cash value.

"(4) Matter that appears in a magazine, newspaper, or other periodical shall be exempt from paragraph (2) if such matter—

"(A) is not directed to a named individual; or

"(B) does not include an opportunity to make a payment or order a product or service.

"(5) Any statement, notice, or disclaimer required under paragraph (3) shall be clearly and conspicuously displayed. Any statement, notice, or disclaimer required under subclause (I) or (II) of paragraph (3)(A)(ii) shall be displayed more conspicuously than would

otherwise be required under the preceding sentence.

"(6) In the enforcement of paragraph (3), the Postal Service shall consider all of the materials included in the mailing and the material and language on and visible through the envelope or outside cover or wrapper in which those materials are mailed.

"(l)(1) Any person who uses the mails for any matter to which subsection (h), (i), (j), or (k) applies shall adopt reasonable practices and procedures to prevent the mailing of such matter to any person who, personally or through a conservator, guardian, or individual with power of attorney—

"(A) submits to the mailer of such matter a written request that such matter should not be mailed to such person; or

"(B)(i) submits such a written request to the attorney general of the appropriate State (or any State government officer who transmits the request to that attorney general); and

"(ii) that attorney general transmits such request to the mailer.

"(2) Any person who mails matter to which subsection (h), (i), (j), or (k) applies shall maintain or cause to be maintained a record of all requests made under paragraph (1). The records shall be maintained in a form to permit the suppression of an applicable name at the applicable address for a 5-year period beginning on the date the written request under paragraph (1) is submitted to the mailer.".

#### SEC. 104. POSTAL SERVICE ORDERS TO PROHIBIT DECEPTIVE MAILINGS.

Section 3005(a) of title 39, United States Code, is amended—

(1) by striking "or" after "(h)," each place it appears; and

(2) by inserting ", (j), or (k)" after "(i)" each place it appears.

#### SEC. 105. TEMPORARY RESTRAINING ORDER FOR DECEPTIVE MAILINGS.

(a) IN GENERAL.—Section 3007 of title 39, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

"(a)(1) In preparation for or during the pendency of proceedings under section 3005, the Postal Service may, under the provisions of section 409(d), apply to the district court in any district in which mail is sent or received as part of the alleged scheme, device, lottery, gift enterprise, sweepstakes, skill contest, or facsimile check or in any district in which the defendant is found, for a temporary restraining order and preliminary injunction under the procedural requirements of rule 65 of the Federal Rules of Civil Procedure.

"(2)(A) Upon a proper showing, the court shall enter an order which shall—

"(i) remain in effect during the pendency of the statutory proceedings, any judicial review of such proceedings, or any action to enforce orders issued under the proceedings; and

"(ii) direct the detention by the postmaster, in any and all districts, of the defendant's incoming mail and outgoing mail, which is the subject of the proceedings under section 3005.

"(B) A proper showing under this paragraph shall require proof of a likelihood of success on the merits of the proceedings under section 3005.

"(3) Mail detained under paragraph (2) shall—

"(A) be made available at the post office of mailing or delivery for examination by the defendant in the presence of a postal employee; and

"(B) be delivered as addressed if such mail is not clearly shown to be the subject of proceedings under section 3005.

“(4) No finding of the defendant's intent to make a false representation or to conduct a lottery is required to support the issuance of an order under this section.

“(b) If any order is issued under subsection (a) and the proceedings under section 3005 are concluded with the issuance of an order under that section, any judicial review of the matter shall be in the district in which the order under subsection (a) was issued.”

(b) REPEAL.—

(1) IN GENERAL.—Section 3006 of title 39, United States Code, and the item relating to such section in the table of sections for chapter 30 of such title are repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 3005(c) of title 39, United States Code, is amended by striking “section and section 3006 of this title,” and inserting “section.”.

(B) Section 3011(e) of title 39, United States Code, is amended by striking “3006, 3007,” and inserting “3007”.

#### SEC. 106. CIVIL PENALTIES AND COSTS.

Section 3012 of title 39, United States Code, is amended—

(1) in subsection (a) by striking “\$10,000 for each day that such person engages in conduct described by paragraph (1), (2), or (3) of this subsection.” and inserting “\$50,000 for each mailing of less than 50,000 pieces; \$100,000 for each mailing of 50,000 to 100,000 pieces; with an additional \$10,000 for each additional 10,000 pieces above 100,000, not to exceed \$2,000,000.”;

(2) in paragraphs (1) and (2) of subsection (b) by inserting after “of subsection (a)” the following: “, (c), or (d)”;

(3) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(4) by inserting after subsection (b) the following:

“(c)(1) In any proceeding in which the Postal Service may issue an order under section 3005(a), the Postal Service may in lieu of that order or as part of that order assess civil penalties in an amount not to exceed \$25,000 for each mailing of less than 50,000 pieces; \$50,000 for each mailing of 50,000 to 100,000 pieces; with an additional \$5,000 for each additional 10,000 pieces above 100,000, not to exceed \$1,000,000.

“(2) In any proceeding in which the Postal Service assesses penalties under this subsection the Postal Service shall determine the civil penalty taking into account the nature, circumstances, extent, and gravity of the violation or violations of section 3005(a), and with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such section, the degree of culpability and other such matters as justice may require.

“(d) Any person who violates section 3001(l) shall be liable to the United States for a civil penalty not to exceed \$10,000 for each mailing to an individual.”.

#### SEC. 107. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

#### § 3016. Administrative subpoenas

“(a) SUBPOENA AUTHORITY.—

“(I) INVESTIGATIONS.—

“(A) IN GENERAL.—In any investigation conducted under section 3005(a), the Postmaster General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material to such investigation.

“(B) CONDITION.—No subpoena shall be issued under this paragraph except in accordance with procedures, established by the Postal Service, requiring that—

“(i) a specific case, with an individual or entity identified as the subject, be opened before a subpoena is requested;

“(ii) appropriate supervisory and legal review of a subpoena request be performed; and

“(iii) delegation of subpoena approval authority be limited to the Postal Service's General Counsel or a Deputy General Counsel.

“(2) STATUTORY PROCEEDINGS.—In any statutory proceeding conducted under section 3005(a), the Judicial Officer may require by subpoena the attendance and testimony of witnesses and the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Judicial Officer considers relevant or material to such proceeding.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be considered to apply in any circumstance to which paragraph (1) applies.

“(b) SERVICE.—

“(I) SERVICE WITHIN THE UNITED STATES.—A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

“(2) FOREIGN SERVICE.—Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

“(3) SERVICE ON BUSINESS PERSONS.—Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by—

“(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

“(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

“(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

“(4) SERVICE ON NATURAL PERSONS.—Service of any subpoena may be made upon any natural person by—

“(A) delivering a duly executed copy to the person to be served; or

“(B) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

“(5) VERIFIED RETURN.—A verified return by the individual serving any such subpoena setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

“(c) ENFORCEMENT.—

“(I) IN GENERAL.—Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly

served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

“(2) JURISDICTION.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court may be punished as contempt.

“(d) DISCLOSURE.—Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5, United States Code.”.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this section, the Postal Service shall promulgate regulations setting out the procedures the Postal Service will use to implement the amendment made by subsection (a).

(c) SEMIANNUAL REPORTS.—Section 3013 of title 39, United States Code, is amended by striking “and” at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following:

“(5) the number of cases in which the authority described in section 3016 was used, and a comprehensive statement describing how that authority was used in each of those cases; and”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding by section 107 is amended by adding after section 3016 the following:

#### “3016. Administrative subpoenas.”.

#### SEC. 108. REQUIREMENTS OF PROMOTERS OF SKILL CONTESTS OR SWEEPSTAKES MAILINGS.

(a) IN GENERAL.—Chapter 30 of title 39, United States Code (as amended by section 107) is amended by adding after section 3016 the following:

#### “§ 3017. Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings

“(a) DEFINITIONS.—In this section—

“(I) the term ‘promoter’ means any person who—

“(A) originates and mails any skill contest or sweepstakes, except for any matter described in section 3001(k)(4); or

“(B) originates and causes to be mailed any skill contest or sweepstakes, except for any matter described in section 3001(k)(4);

“(2) the term ‘removal request’ means a request stating that an individual elects to have the name and address of such individual excluded from any list used by a promoter for mailing skill contests or sweepstakes;

“(3) the terms ‘skill contest’, ‘sweepstakes’, and ‘clearly and conspicuously displayed’ have the same meanings as given them in section 3001(k); and

“(4) the term ‘duly authorized person’, as used in connection with an individual, means a conservator or guardian of, or person granted power of attorney by, such individual.

“(b) NONMAILABLE MATTER.—

“(I) IN GENERAL.—Matter otherwise legally acceptable in the mails described in paragraph (2)—

“(A) is nonmailable matter;

“(B) shall not be carried or delivered by mail; and

“(C) shall be disposed of as the Postal Service directs.

“(2) NONMAILABLE MATTER DESCRIBED.— Matter described in this paragraph is any matter that—

“(A) is a skill contest or sweepstakes, except for any matter described in section 3001(k)(4); and

“(B)(i) is addressed to an individual who made an election to be excluded from lists under subsection (d); or

“(ii) does not comply with subsection (c)(1).

“(c) REQUIREMENTS OF PROMOTERS.—

“(1) NOTICE TO INDIVIDUALS.—Any promoter who mails a skill contest or sweepstakes shall provide with each mailing a statement that—

“(A) is clearly and conspicuously displayed;

“(B) includes the address or toll-free telephone number of the notification system established under paragraph (2); and

“(C) states that the notification system may be used to prohibit the mailing of all skill contests or sweepstakes by that promoter to such individual.

“(2) NOTIFICATION SYSTEM.—Any promoter that mails or causes to be mailed a skill contest or sweepstakes shall establish and maintain a notification system that provides for any individual (or other duly authorized person) to notify the system of the individual's election to have the name and address of the individual excluded from all lists of names and addresses used by that promoter to mail any skill contest or sweepstakes.

“(d) ELECTION TO BE EXCLUDED FROM LISTS.—

“(1) IN GENERAL.—An individual (or other duly authorized person) may elect to exclude the name and address of that individual from all lists of names and addresses used by a promoter of skill contests or sweepstakes by submitting a removal request to the notification system established under subsection (c).

“(2) RESPONSE AFTER SUBMITTING REMOVAL REQUEST TO THE NOTIFICATION SYSTEM.—Not later than 60 calendar days after a promoter receives a removal request pursuant to an election under paragraph (1), the promoter shall exclude the individual's name and address from all lists of names and addresses used by that promoter to select recipients for any skill contest or sweepstakes.

“(3) EFFECTIVENESS OF ELECTION.—An election under paragraph (1) shall remain in effect, unless an individual (or other duly authorized person) notifies the promoter in writing that such individual—

“(A) has changed the election; and

“(B) elects to receive skill contest or sweepstakes mailings from that promoter.

“(e) PRIVATE RIGHT OF ACTION.—

“(1) IN GENERAL.—An individual who receives one or more mailings in violation of subsection (d) may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

“(A) an action to enjoin such violation;

“(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater; or

“(C) both such actions.

It shall be an affirmative defense in any action brought under this subsection that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent mailings in violation of subsection (d). If the court finds that the defendant willfully or knowingly violated subsection (d), the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

“(2) ACTION ALLOWABLE BASED ON OTHER SUFFICIENT NOTICE.—A mailing sent in violation of section 3001(l) shall be actionable under this subsection, but only if such an action would not also be available under paragraph (1) (as a violation of subsection (d)) based on the same mailing.

“(f) PROMOTER NONLIABILITY.—A promoter shall not be subject to civil liability for the exclusion of an individual's name or address from any list maintained by that promoter for mailing skill contests or sweepstakes, if—

“(1) a removal request is received by the promoter's notification system; and

“(2) the promoter has a good faith belief that the request is from—

“(A) the individual whose name and address is to be excluded; or

“(B) another duly authorized person.

“(g) PROHIBITION ON COMMERCIAL USE OF LISTS.—

“(1) IN GENERAL.—

“(A) PROHIBITION.—No person may provide any information (including the sale or rental of any name or address) derived from a list described in subparagraph (B) to another person for commercial use.

“(B) LISTS.—A list referred to under subparagraph (A) is any list of names and addresses (or other related information) compiled from individuals who exercise an election under subsection (d).

“(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be assessed a civil penalty by the Postal Service not to exceed \$2,000,000 per violation.

“(h) CIVIL PENALTIES.—

“(i) IN GENERAL.—Any promoter—

“(A) who recklessly mails nonmailable matter in violation of subsection (b) shall be liable to the United States in an amount of \$10,000 per violation for each mailing to an individual of nonmailable matter; or

“(B) who fails to comply with the requirements of subsection (c)(2) shall be liable to the United States.

“(2) ENFORCEMENT.—The Postal Service shall, in accordance with the same procedures as set forth in section 3012(b), provide for the assessment of civil penalties under this section.”.

“(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding after the item relating to section 3016 the following:

“3017. Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings.”.

“(c) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

**SEC. 109. STATE LAW NOT PREEMPTED.**

(a) IN GENERAL.—Nothing in the provisions of this title (including the amendments made by this title) or in the regulations promulgated under such provisions shall be construed to preempt any provision of State or local law that imposes more restrictive requirements, regulations, damages, costs, or penalties. No determination by the Postal Service that any particular piece of mail or class of mail is in compliance with such provisions of this title shall be construed to preempt any provision of State or local law.

(b) EFFECT ON STATE COURT PROCEEDINGS.— Nothing contained in this section shall be construed to prohibit an authorized State of official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State.

**SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) REFERENCES TO REPEALED PROVISIONS.— Section 3001(a) of title 39, United States

Code, is amended by striking “1714,” and “1718.”.

(b) CONFORMANCE WITH INSPECTOR GENERAL ACT OF 1978.—

(1) IN GENERAL.—Section 3013 of title 39, United States Code, is amended—

(A) by striking “Board” each place it appears and inserting “Inspector General”;

(B) in the third sentence by striking “Each such report shall be submitted within sixty days after the close of the reporting period involved” and inserting “Each such report shall be submitted within 1 month (or such shorter length of time as the Inspector General may specify) after the close of the reporting period involved”; and

(C) by striking the last sentence and inserting the following:

“The information in a report submitted under this section to the Inspector General with respect to a reporting period shall be included as part of the semiannual report prepared by the Inspector General under section 5 of the Inspector General Act of 1978 for the same reporting period. Nothing in this section shall be considered to permit or require that any report by the Postmaster General under this section include any information relating to activities of the Inspector General.”.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act, and the amendments made by this subsection shall apply with respect to semiannual reporting periods beginning on or after such date of enactment.

(3) SAVINGS PROVISION.—For purposes of any semiannual reporting period preceding the first semiannual reporting period referred to in paragraph (2), the provisions of title 39, United States Code, shall continue to apply as if the amendments made by this subsection had not been enacted.

**SEC. 111. EFFECTIVE DATE.**

Except as provided in section 108 or 110(b), this title shall take effect 120 days after the date of the enactment of this Act.

## TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY

### SEC. 201. SHORT TITLE.

This title may be cited as the “Federal Reserve Board Retirement Portability Act”.

### SEC. 202. PORTABILITY OF SERVICE CREDIT.

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking “and” at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking “of the preceding provisions” and inserting “other paragraph”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank Plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank Plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies.”.

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(i) For purposes of subsection (b)(5), the term ‘Bank Plan’ means the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter).”.

**(b) EXCLUSION FROM CHAPTER 84.—**

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

“(2)(A) any employee or Member who has separated from the service after—

“(i) having been subject to—

“(II) subchapter III of chapter 83 of this title;

“(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

“(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

“(ii) having completed—

“(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

“(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

“(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act, determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or”.

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

“(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

“(I) becomes subject to—

“(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election; or

“(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

“(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter.”.

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.—A former employee of the Board of Governors of the Federal Reserve System who—

(I) has at least 5 years of civilian service (other than any service performed in the em-

ploy of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act;

(2) was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code, shall, for purposes of section 302 of the Federal Employees’ Retirement System Act of 1986 (100 Stat. 601; 5 U.S.C. 8331 note) be considered to have become subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301 of such Act.

**(d) EFFECTIVE DATE.—**

(1) IN GENERAL.—Subject to succeeding provisions of this subsection, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) PROVISIONS RELATING TO CREDITABILITY AND CERTAIN FORMER EMPLOYEES.—The amendments made by subsection (a) and the provisions of subsection (c) shall apply only to individuals who separate from service subject to chapter 84 of title 5, United States Code, on or after the date of enactment of this Act.

(3) PROVISIONS RELATING TO EXCLUSION FROM CHAPTER.—The amendments made by subsection (b) shall not apply to any former employee of the Board of Governors of the Federal Reserve System who, subsequent to his or her last period of service as an employee of the Board of Governors of the Federal Reserve System and prior to the date of enactment of this Act, became subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, under the law in effect at the time of the individual’s appointment.

**SEC. 203. CERTAIN TRANSFERS TO BE TREATED AS A SEPARATION FROM SERVICE FOR PURPOSES OF THE THRIFT SAVINGS PLAN.**

(a) AMENDMENTS TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting before section 8432 the following:

**“§ 8431. Certain transfers to be treated as a separation**

“(a) For purposes of this subchapter, separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any of them.

“(b) The retirement systems described in this subsection are—

“(I) the retirement system under this chapter;

“(2) the retirement system under subchapter III of chapter 83; and

“(3) any other retirement system under which individuals may contribute to the Thrift Savings Fund through withholdings from pay.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting before the item relating to section 8432 the following:

“8431. Certain transfers to be treated as a separation.”.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8351 of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8), and by adding at the end the following:

“(9) For the purpose of this section, separation from Government employment includes a transfer described in section 8431.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of enactment of this Act. The Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may prescribe any regulations necessary to carry out this subsection.

**SEC. 204. CLARIFYING AMENDMENTS.**

(a) IN GENERAL.—Subsection (f) of section 3304 of title 5, United States Code, as added by section 2 of Public Law 105-339, is amended—

(1) by striking paragraph (4);  
 (2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and  
 (3) by inserting after paragraph (1) the following:

“(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 31, 1998.

**TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.**

**SEC. 301. TRANSFER OF CERTAIN PROPERTY TO STATE AND LOCAL GOVERNMENTS.**

Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking “December 31, 1999.” and inserting “July 31, 2000. During the period beginning January 1, 2000, and ending July 31, 2000, the Administrator may not convey any property under subparagraph (A), but may accept, consider, and approve applications for transfer of property under that subparagraph.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

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

I am pleased to bring forward S. 335 with the provisions of the House-passed Deceptive Sweepstakes Mailing Bill, H.R. 170, and would like to begin by taking the opportunity to thank all of the members of the Subcommittee on the Postal Service for their continued interest, for the effort they showed in moving this important legislation, and a particular tip-of-the-hat to the gentleman from the great State of Pennsylvania (Mr. FATTAH), our ranking member, for his input and for his great assistance in making this legislation

stronger and of wider appeal to those who are affected by its provisions. I firmly believe today, Mr. Speaker, by taking this action, we help to ensure the enactment of this important legislation in this year.

On behalf of the gentleman from Indiana (Mr. BURTON), our full committee chairman, I must also note that this bill, S. 335, includes provisions that it is my understanding the other body has agreed to include. Incorporated in the bill is H.R. 807, which passed the House under suspension of the rules by voice vote on March 16 of this year after being introduced on February 23 by the gentleman from Florida (Mr. SCARBOROUGH), our Subcommittee on Civil Service chairman, with eight original cosponsors including, I might add, the gentleman from California (Mr. WAXMAN), our full committee's ranking member.

Very briefly, Mr. Speaker, H.R. 807, included as Title II of S. 335, provides retirement portability for certain Federal Reserve Board employees who take jobs in the executive branch. It would allow those employees who participate in the board's FERS-like retirement plan to obtain FERS credit for their Federal Reserve years when they transfer to another Federal agency. The Federal Reserve already provides such reciprocity for employees who transfer to Federal Reserves from other Federal agencies. Without this correction, former board employees would, I think unfairly, receive smaller annuities upon retirement than they otherwise would and otherwise should.

This title will also correct an inequity in current law that prevents certain Federal Reserve employees from withdrawing their funds from the Thrift Savings Plan accounts. Finally, one section in this title is critically important to the men and women who have served our Nation in the Armed Services. It clarifies the Veterans Employment Opportunities Act of 1988 to ensure that veterans will receive the benefits that Congress intended when it passed that act last year.

Mr. Speaker, H.R. 3187, also included in this new presentation, represents a bill introduced by the gentleman from California (Mr. CALVERT) which would amend the 1949 Federal Property and Administrative Services Act to continue the authority allowing no-cost conveyances of surplus Federal property to State and local governments for law enforcement and emergency response purposes.

Under the Federal Property Act, State and local governments or eligible nonprofit entities can obtain surplus property at no cost for several authorized public purpose programs. These programs include education, public health, correctional facilities and public airports. A bill that became law in the 105th Congress introduced by the gentleman from California (Mr. CALVERT) added law enforcement and emergency management response purposes to this list. Prior to its enact-

ment, however, the bill was amended to include a December 31, 1999 sunset date for these new public purpose categories.

There are currently more than 22 pending State and local government applications for these purposes nationwide. These new conveyance categories have been invaluable for local governments, for enhancing their law enforcement and fire and rescue training efforts. These new authorities have allowed for an excellent reuse of surplus Federal property that would be lost, at least in the main, if we do not take some step at this point to extend the current opportunity for the Federal authorities to go forward.

Accordingly, H.R. 3187 provides that during the extension the General Services Administration, while not being able to actually convey surplus Federal property at no cost for law enforcement and emergency response purposes, would, however, retain under the GSA at least the ability to consider and approve the applications for transfer during this extension.

Additionally, prior to December 31, the GSA can convey surplus property at no cost for law enforcement and emergency response purposes to qualifying State and local governments, and as such this extension represents an important sense of relief to those local governments that have acted in good faith and stand to lose the receipt of Federal surplus properties at no cost absent our action.

In regard to the underlying bill, S. 335 itself, Mr. Speaker, the House has already discussed and debated this measure extensively on November 2 when we passed it under suspension of the rules by a voice vote. I do not want to reiterate all of the comments made then, as important as they were, but let me say just briefly, with the authorization that we are about to extend once more on this House floor, this body stands to take a great step towards protecting those vulnerable, particularly our senior citizens, who have been preyed upon far too often by unscrupulous sweepstakes mailers.

Those individuals, as few as they may be, who have come where the laws are apparently insufficient and have used deceptive practices to prey upon generally the elderly, but in other measures certainly the infirm, those who are most vulnerable, as I said, and in many cases, bilking them out of thousands, sometimes tens and even hundreds of thousands of dollars of hard-earned money and their life savings.

Today, this House can make again the statement that this Congress will not abide by that kind of activity and we will enact those laws necessary to ensure that future sweepstakes proposals are done under the guise of full disclosure, that deceptive practices, that misleading claims, that facsimile presentations so that checks are made to look like actual government documents, can no longer be continued.

Beyond the efforts that I mentioned of the ranking member and others on the committee, I certainly want to extend a particular thanks to the gentleman from New Jersey (Mr. LoBIONDO), who really brought this House's attention to this issue last year when he began formulating a response. We also owe great thanks to others, including the gentleman from California (Mr. ROGAN); the gentleman from Florida (Mr. MCCOLLUM); and of course the language in this bill is based, in large measure, upon Senator SUSAN COLLINS's comprehensive bipartisan sweepstakes mailing legislation which passed the other body by a 93-to-0 vote.

So, Mr. Speaker, as my colleagues can see, we have drawn from many sources here to craft what I believe is not just a reasonably balanced, but a tremendously effective and most needed piece of legislation. I urge its immediate and overwhelming approval.

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

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

I rise in support of Senate bill 335, the Deceptive Mail Prevention and Enforcement Act. As has been mentioned by my colleague and the majority chairman from the great State of New York, a number of other provisions have been added to this bill. H.R. 807, which would respond I think appropriately to some adjustments needed and retirement opportunities for Federal Reserve Board employees, and H.R. 3187, having to do with the disposition of surplus Federal property.

I would note that under the disposition of Federal property bill, that no property will be able to be disposed of, but that this extension will allow a continuation of applications and appropriate consideration by the GSA of proposals by local governments and nonprofits for usage of those Federal properties.

I would like to say that I think that on the primary bill, the sweepstakes bill, that we have done a very good job, and I would like to compliment the work of the gentleman from California (Mr. CONDIT) on my side of the aisle who was also a prime sponsor, cosponsor of the original legislation. I think that this bill as presented now and as agreed to by the Senate appropriately addresses the need for curtailment of some of the excesses that we have seen in terms of sweepstakes mailings.

I am particularly pleased that adopted and embraced in this bill is my amendment that will provide a private right of action for individuals in relationship to abuses that they face. Again, I am pleased that the committee found it appropriate, the conference committee, to endorse and embrace the amendment that I offered that would allow a private right of action to individual citizens who want to seek redress for excesses that we all have found all too common through parts of this industry.

So I rise in support of S. 335. I would hope that the House would adopt it. I think it is appropriate, and moderate in its approaches, but I think it will get the job done. I do want to thank the majority Chairman, because I think he has helped guide this legislation through, and on this evening we are going to see the result of his hard work.

Mr. Speaker, as the Ranking Minority member of the Subcommittee on the Postal Service, I am pleased to join Chairman MCHUGH in the consideration of S. 335, the Deceptive Mail Prevention and Enforcement Act. In addition, I support the consideration of this measure amended, with the text of the following three bills:

H.R. 170, the Deceptive Mail Prevention and Enforcement Act of 1999, as passed by the House by voice vote on November 2, 1999;

H.R. 807, the Federal Reserve Board Retirement Portability Act, as passed by the House by voice vote on March 16, 1999, and

H.R. 3187, legislation amending the Federal Property and Administrative Services Act of 1949 to temporarily continue authority relating to transfers of certain surplus property to State and local governments for law enforcement and emergency response purposes.

H.R. 170, was introduced on January 6, 1999, by Congressmen LoBIONDO and CONDIT, and reported on October 28, 1999, from the Government Reform Committee, and passed unanimously by the House on November 2, 1999.

While closely mirroring the sweepstakes language contained in S. 335, H.R. 170, adds two very important and critical consumer protection provisions. First, although we provided the Postal Service with subpoena authority to combat sweepstakes fraud, we have limited the scope of subpoena authority to only those provisions of law addressing deceptive mailings, and required the Postal Service to develop procedures for the issuance of subpoenas.

Second, we have added language which I authored, establishing a private right of action to sweepstakes legislation. The private right of action would allow consumers to file suit in state court if a sweepstakes promoter continues to send mailings despite having requested removal from a mailer's list. This is an important enforcement tool particularly with respect to the problem of unwanted mailings. I am pleased to note that it is supported by the National Consumers League, the American Association of Retired Persons and the Direct Marketing Association.

The issue of consumer protection, whether it relates to telemarketing fraud or sweepstakes deception is receiving the attention it deserves. Just last week, the United States Inspection Service joined key government and civic organizations at a national press conference to launch the most ambitious fraud prevention initiative in history. On November 16, 1999, a jumbo postcard containing valuable mail and telemarketing fraud prevention tips will be mailed to every home in America. A portion of the card reads, "Fraudulent Telemarketers: They've got your number . . . now they want your money!" I am pleased my colleagues have recognized the importance of consumer protection and voted support a private right of action!

## H.R. 807

H.R. 807, the Federal Reserve Board Retirement Portability Act was introduced by Congressman SCARBOROUGH, Chairman of the Subcommittee on Civil Service. It is cosponsored by the Ranking Minority Member of that subcommittee, Congressman CUMMINGS and the Ranking full committee member, Congressman WAXMAN. It was passed unanimously by the House on August 2, 1999.

The legislation would amend title 5, of the U.S. code pertaining to government organization and employees, to provide portability of service credit for persons who leave employment with the Federal Reserve Board to take positions with other Government agencies.

Currently, if an employee of the Federal Reserve Board leaves to work for another federal agency, the employee is required to join the Federal Employees Retirement System (FERS). Under the current FERS statute, time spent working at the Board after 1988, does not count as "creditable service" towards a FERS annuity. As a result, these employees will receive smaller pensions upon retirement.

H.R. 807 will correct this problem and also allow current and future Federal employees who transfer to the Board, to transfer the funds from their FERS Thrift Savings Accounts (TSP) to the Federal Reserve Thrift Savings Plan.

In addition, H.R. 807 contains clarifying language ensuring that America's veterans are hired as Career Status appointees. Apparently, the Office of Personnel Management (OPM) interpreted the Veterans' Employment Opportunities Act of 1998, to mean that veterans could be hired for a Federal job as Schedule B appointees, rather than as Career Status appointees. Schedule B appointments are not afforded the same rights and privileges as Career Status employees.

The Veterans' Employment Opportunities Act improves the ability of veterans to compete during the Federal hiring process and extends veterans preference to all branches of the Federal government. Both the Senate and OPM have agreed that language was needed to clarify the original intent of Congress.

## H.R. 3187

H.R. 3187, which would amend the Federal Property and Administrative Services Act of 1949 to temporarily continue authority relating to transfers of certain surplus property to State and local governments for law enforcement and emergency response purposes, was introduced by Congressman CALVERT on November 1, 1999.

The Federal Property Act is the basic law regarding the acquisition, utilization, and disposition of federal property. Under the Federal Property Act, real property that is no longer needed by a federal agency is reported to the General Services Administration (GSA) as excess property. Excess property is screened for reuse by other federal agencies. If another federal agency determines that it can use the property, it is reused. If there is no other federal use for the property, it becomes available for disposal as "surplus" real property.

Under existing law, eligible state and local government units and certain nonprofit institutions may acquire surplus real property for public benefit purposes at monetary discounts of up to 100%. Public benefit discount conveyance categories include public parks and recreation, historic monuments, public airports, health, education, correctional facilities, high-

ways, and wildlife conservation. H.R. 3187 would establish a temporary public benefit conveyance for law enforcement and emergency services training.

Current authority expires by December 31, 1999, the sunset date for transfers of surplus federal property to state and local government at substantial discounts for law enforcement or emergency management response purposes. Under H.R. 3187, the sunset date would be extended to July 31, 2000. While, no properties can be conveyed under this authority, the GSA can accept, consider, and approve applications for transfer.

Currently, at least 22 jurisdictions around the country have submitted applications to acquire surplus federal property for law enforcement or emergency response purposes. At least three of these jurisdictions have successfully acquired the surplus property for law enforcement and emergency response. The current expiration date for this program would jeopardize existing applications, as well as the filing of new ones.

I am pleased that the House is moving this important measure, S 335, as amended and I urge all my colleagues to vote in support of the bill.

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

Mr. MCHUGH. Mr. Speaker, I yield myself 15 seconds to just briefly respond to the gracious comments of the ranking member by saying, as he noted and as I want very much to make clear, his input and constructive suggestions were very important to making this, I think, a better bill than when we received it.

Mr. Speaker, I am pleased and honored to yield 2 minutes to the gentleman from New Jersey (Mr. LoBIONDO), whose name I mentioned just moments ago, and who is certainly, from my perspective, the individual who first brought this situation to light and, through his hard work, helped articulate a response to the problem for our attention.

(Mr. LoBIONDO asked and was given permission to revise and extend his remarks.)

Mr. LoBIONDO. Mr. Speaker, I rise in very strong support of this legislation. I most importantly want to thank all of my colleagues for joining in to recognize an issue that has impact on so many in our society that have been made vulnerable by dishonest marketing practices. I want to especially thank the gentleman from New York (Mr. MCHUGH) for his leadership. The hearing that we had earlier this year really served to focus and highlight on the problem. I want to thank the gentleman from Philadelphia (Mr. FATTAH) for his efforts, the gentleman from California (Mr. CONDIT) for gaining so many cosponsors on the other side, the gentleman from California (Mr. WAXMAN), and of course the gentleman from Indiana (Mr. BURTON) for all of his help in this area.

When I first went to senior centers and asked how many had received some of these mailings, it was unbelievable the stories that took place, and each one of our districts can have examples

of seniors who have fallen prey and unfortunately in many cases have lost their life savings to these unfortunate marketing practices.

This bill will send a very strong message. We are acting for the people of the United States of America who really deserve our help, the seniors of America. I thank everyone.

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Mr. FATTAH. Mr. Speaker, I yield 1 minute to the gentleman from the great State of Maryland (Mr. CARDIN), who is a member of the Committee on Ways and Means and also is a better golfer than me.

Mr. CARDIN. I am not sure about the last comment, Mr. Speaker, but let me thank my friend, the gentleman from Pennsylvania, for his work on this legislation and all that is involved in bringing forward the sweepstake legislation.

I know in my district I have heard from many of my seniors who have been victimized by believing that they have won a sweepstake, only to send back information, and the only thing that they found out is that it cost them money to buy magazine subscriptions. They have spent thousands of dollars in hopes of winning the sweepstake that they never won.

The Attorney General in my State, Joe Curran, has documented many, many abuses by many, many sweepstake operators. This is true around the Nation.

This is an important bill. I am glad we are able to move it forward. It is going to affect thousands of our constituents in each one of our districts. Hopefully it is going to change the practice of magazine owners or magazine companies in the way that they sell their subscriptions. They have to be more direct with our constituents and let them know that they have not won a sweepstake.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), a good friend of this bill and a colleague of mine on the Committee on Armed Services.

As I mentioned, Mr. Speaker, there were many who had input into this process, and he is one of the gentlemen who has spoken to me about a very important related issue with respect to billing processes through the mail.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think this is an excellent piece of legislation. I commend the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from New York (Mr. MCHUGH) for the hard work they have done on this.

Mr. Speaker, a lot of people do not realize that at the end of these sweepstakes they enter, what do they do? A lot say they buy something.

I think it is very interesting. I went down to my little town where I live and

where the gentlemen hold court that are all retired and have their coffee every morning. They told me, they said, "I buy this stuff," and they talked about a certain magazine, nine of them sitting around the table. "We all bought this magazine popular in the Second World War. We paid it immediately."

And then what happened? They kept billing them and billing them and billing them, and they sent their canceled check and nothing would happen. This is an outfit out of Florida, and one time after another.

I started checking into it. I said, well, I think you folks do not understand it. I put one in, paid mine, and immediately they billed me. I paid it, and I got billed five times in a row. I finally had to call them up to get them off of it. I tried that a number of other places. I tried it with one on home repairs, and they billed me and billed me, and finally turned it over to a collection agency.

Then I looked at my father-in-law who is 89 years old. I pay all his bills for him. He paid one bill 10 times because he did not realize he had been billed all these times. I commend the gentleman for what he is doing. I would point out, I think there is a predator billing problem going on in America right now. It has a lot to do with these magazines and all this other paraphernalia they sell through the mail.

There is no way on Earth these people get a response. They send a letter, a copy of their canceled check, and nobody ever responds. There ought to be a way, Mr. Speaker, and maybe it is to the point that this organization called the U.S. House and Senate should do something about it, to take care of the people who are getting bilked by these people.

I thank the gentleman, and I support this legislation. I wanted to add that one further note.

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

Mr. Speaker, in conclusion, I would like to say that the first amendment that I passed on the floor of this House had to do with going after telemarketing fraud. This sweepstakes issue is just another, I think, head of the same animal.

It is of note that just last week the United States Postal Service, along with key government and civic leaders, had a press conference to announce a nationwide effort to go after telemarketing fraud in a very serious way, and I just want to say that I think the House this evening collaborates in that effort by the passage of this very important piece of legislation.

I thank my colleague, the gentleman from New York (Mr. MCHUGH), someone who I have had the pleasure to work with for a few years on this committee, and we have gotten a lot done.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

As we have heard today, this is a good bill. It needs to be acted on now, so let us do that.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 335, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 335, as amended, the legislation just passed.

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

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: House Concurrent Resolution 223, by the yeas and nays; and the conference report on H.R. 1554, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

#### SENSE OF CONGRESS REGARDING FREEDOM DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 223.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 223, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows: