

H.R. 2001: Mr. POMEROY, Mr. HANSEN, and Mr. SESSIONS.

H.R. 2020: Mr. SAXTON, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. CHAMBLISS, and Mr. MCGOVERN.

H.R. 2023: Mr. GORDON, Mr. TOWNS, Mr. JENKINS, Mr. REYNOLDS, Mr. DOOLITTLE, and Mr. LATHAM.

H.R. 2040: Mr. DOOLEY of California, Mr. BERMAN, and Ms. CARSON of Indiana.

H.R. 2047: Mr. ISAKSON.
H.R. 2048: Mr. CONYERS.

H.R. 2055: Mr. TANCREDO, Mr. CANTOR, Ms. GRANGER, Mr. HILLEARY, Mr. DOOLITTLE, Mr. BARTON of Texas, Mr. WELDON of Florida, Mr. WICKER, and Mr. TERRY.

H.R. 2059: Mrs. THURMAN, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. EVANS, Mr. FILNER, Mr. HINCHEY, Mr. HONDA, Mr. PALLONE, Mrs. NAPOLITANO, and Mr. DEFazio.

H.R. 2064: Mr. STARK, Mr. MALONEY of Connecticut, Mr. ACEVEDO-VILA, Mr. FROST, and Mr. SMITH of New Jersey.

H.R. 2074: Mr. FILNER and Ms. MCKINNEY.
H.R. 2079: Mr. SANDERS.

H.R. 2080: Mr. SANDERS.

H.R. 2088: Mr. GRAVES, Mr. CLAY, and Mr. LIPINSKI.

H.R. 2095: Mr. FILNER, Mr. MCGOVERN, and Mr. SANDERS.

H.R. 2096: Mr. WELDON of Florida, Mr. BUYER, Mr. TIBERI, Mr. TAYLOR of Mississippi, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Washington, Mr. BARTON of Texas, Mr. HEFLEY, Mr. SUNUNU, Mr. SENSENBRENNER, and Mr. ISAKSON.

H.R. 2102: Mr. PAYNE, Ms. NORTON, Ms. HOOLEY of Oregon, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. BOEHLERT, and Mr. TAYLOR of Mississippi.

H.R. 2108: Mr. MORAN of Virginia and Mr. RANGEL.

H.R. 2117: Mr. GEORGE MILLER of California and Mr. MOORE.

H.J. Res. 6: Mr. HORN.

H.J. Res. 36: Mr. WELDON of Florida, Mr. HOBSON, Mr. FROST, Mr. BOEHLER, Ms. HARMAN, Mrs. BONO, and Mr. HOUGHTON.

H.J. Res. 45: Mr. HOSTETTLER.

H. Con. Res. 68: Mr. HEFLEY.

H. Con. Res. 121: Mr. KING, Mr. SCHAFFER, and Mr. HAYWORTH.

H. Con. Res. 145: Mr. VISCLOSKEY, Mr. FRANK, Mr. BACA, and Mr. MOORE.

H. Res. 97: Mr. DAVIS of Illinois.

H. Res. 117: Mr. LANTOS and Mr. FERGUSON.

H. Res. 124: Mr. FOLEY, Mr. HYDE, Ms. KAPTUR, Mrs. ROUKEMA, Mrs. MORELLA, and Mr. MILLER of Florida.

H. Res. 152: Ms. HART, Mr. SHOWS, Mr. MATSUI, Mr. GREEN of Texas, Ms. HARMAN, Ms. SANCHEZ, Mr. TANNER, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1716: Mr. EDWARDS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1088

OFFERED BY: Mr. OXLEY

(Amendment in the Nature of a Substitute)

AMENDMENT No. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investor and Capital Markets Fee Relief Act".

SEC. 2. IMMEDIATE TRANSACTION FEE REDUCTIONS.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by striking " $\frac{1}{100}$ of one percent" each place it appears in subsections (b) and (d) and inserting "\$15 per \$1,000,000";

(2) by striking "and security futures products" each place it appears in such subsections and inserting "security futures products, and options on securities indexes (excluding a narrow-based security index)";

(3) in the first sentence of subsection (b), by striking ", except that" and all that follows through the end of such sentence and inserting a period;

(4) in paragraph (1) of subsection (d), by striking ", except that" and all that follows through the end of such paragraph and inserting a period;

(5) in subsection (e), by striking "\$0.02" and inserting "\$0.009"; and

(6) by adding at the end the following new subsection:

"(i) PRO RATA APPLICATION.—The rates per \$1,000,000 required by this section shall be applied pro rata to amounts and balances of less than \$1,000,000."

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) POOLING AND ALLOCATION OF COLLECTIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking "Every" and inserting "Subject to subsection (j), each"; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

"(d) OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.—

"(1) COVERED TRANSACTIONS.—Each national securities"

and inserting the following:

"(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED AND LAST-SALE-REPORTED SECURITIES.—Subject to subsection (j), each national securities";

(C) by inserting "registered on a national securities exchange or" after "narrow-based security index)" (as added by section 2(2)); and

(D) by striking ", excluding any sales for which a fee is paid under subsection (c)";

(4) in subsection (e), by striking "except that for fiscal year 2007" and all that follows through the end of such subsection and inserting the following: "except that for fiscal year 2007 and each succeeding fiscal year such assessment shall be equal to \$0.0042 for each such transaction.";

(5) in subsection (f), by striking "DATES FOR PAYMENT OF FEES.—The fees required" and inserting "DATES FOR PAYMENTS.—The fees and assessments required";

(6) by redesignating subsections (e) through (i) (as added by section 2(5)) as subsections (d) through (h), respectively;

(7) by adding at the end the following new subsection:

"(i) DEPOSIT OF FEES.—

"(1) OFFSETTING COLLECTIONS.—Fees collected pursuant to subsections (b), (c), and (d) for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in subsection (k), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(2) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to subsections (b), (c), and (d) for fiscal year 2002 or any suc-

ceeding fiscal year shall be deposited and credited as general revenue of the Treasury."

(b) ADDITIONAL REDUCTIONS OF FEES.—

(1) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (i) (as added by subsection (a)(7)) the following new subsections:

"(j) RECAPTURE OF PROJECTION WINDFALLS FOR FURTHER RATE REDUCTIONS.—

"(1) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year.

"(2) MID-YEAR ADJUSTMENT.—For each of the fiscal years 2002 through 2011, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 5 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year (or \$48,800,000,000 in the case of fiscal year 2002) is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by order, no later than such March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees collected during such 5-month period and assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by subsection 1(2).

"(3) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 (including assessments collected under subsection (d)) equal to the target offsetting collection amount for fiscal year 2011.

"(4) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (1), (2), or (3) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (i)(1)(B) and (k)—

"(A) an adjusted rate prescribed under paragraph (1) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted;

"(B) an adjusted rate prescribed under paragraph (2) shall take effect on April 1 of

the fiscal year to which such rate applies; and

“(C) an adjusted rate prescribed under paragraph (3) shall take effect on the later of—

“(i) the first day of fiscal year 2012; or
“(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

“(k) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect (as offsetting collections) the fees and assessments under subsections (b), (c), and (d) at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

“(l) DEFINITIONS.—For purposes of this section:

“(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

| Fiscal year: | Target offsetting collection amount |
|--------------|-------------------------------------|
| 2002 | \$732,000,000 |
| 2003 | \$849,000,000 |
| 2004 | \$1,028,000,000 |
| 2005 | \$1,220,000,000 |
| 2006 | \$1,435,000,000 |
| 2007 | \$881,000,000 |
| 2008 | \$892,000,000 |
| 2009 | \$1,023,000,000 |
| 2010 | \$1,161,000,000 |
| 2011 | \$1,321,000,000 |

“(2) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, security futures products, and options on securities indexes (excluding a narrow-based security index)) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act (as redesignated by subsection (a)(6) of this section) is amended by inserting before the period at the end the following: “not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such fees are based”.

SEC. 4. REDUCTION OF REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking paragraphs (2) through (5) and inserting the following:

“(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee at a rate that shall be equal to \$92 per \$1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2003 and any succeeding fiscal year such fee shall be adjusted pursuant to paragraph (5) or (6).

“(3) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

“(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

“(B) except as provided in paragraph (9), shall not be collected for any fiscal year ex-

cept to the extent provided in advance in appropriation Acts.

“(4) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

“(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (2) for such fiscal year to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for such fiscal year, is reasonably likely to produce aggregate fee collections under this subsection that are equal to the target offsetting collection amount for such fiscal year.

“(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (2) for all of such fiscal years to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this subsection in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

“(7) PRO RATA APPLICATION.—The rates per \$1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than \$1,000,000.

“(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (3)(B) and (9)—

“(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

“(i) the first day of the fiscal year to which such rate applies; or

“(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

“(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

“(i) the first day of fiscal year 2012; or

“(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

“(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

“(10) PUBLICATION.—The Commission shall publish in the Federal Register notices of the rate applicable under this subsection and under sections 13(e) and 14(g) for each fiscal year not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such rate is based.

“(11) DEFINITIONS.—For purposes of this subsection:

“(A) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

| Fiscal year: | Target offsetting collection amount |
|--------------|-------------------------------------|
| 2002 | \$337,000,000 |
| 2003 | \$435,000,000 |
| 2004 | \$467,000,000 |
| 2005 | \$570,000,000 |
| 2006 | \$689,000,000 |
| 2007 | \$214,000,000 |

| | |
|------------|---------------|
| 2008 | \$234,000,000 |
| 2009 | \$284,000,000 |
| 2010 | \$334,000,000 |
| 2011 | \$394,000,000 |

“(B) BASELINE ESTIMATE OF THE AGGREGATE MAXIMUM OFFERING PRICES.—The baseline estimate of the aggregate maximum offering prices for any fiscal year is the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

SEC. 5. FEES FOR STOCK REPURCHASE STATEMENTS.

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended

(1) in paragraph (3), by striking “a fee of 1/100 of 1 per centum of the value of securities proposed to be purchased” and inserting “a fee at a rate that, subject to paragraphs (5) and (6), is equal to \$92 per \$1,000,000 of the value of securities proposed to be purchased”;

(2) by inserting after paragraph (3) the following new paragraphs:

“(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

“(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

“(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

“(7) PRO RATA APPLICATION.—The rates per \$1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than \$1,000,000.

“(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

“(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

“(i) the first day of the fiscal year to which such rate applies; or

“(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

“(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

“(i) the first day of fiscal year 2012; or

“(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

“(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

“(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.”

SEC. 6. FEES FOR PROXY SOLICITATIONS AND STATEMENTS IN CORPORATE CONTROL TRANSACTIONS.

Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended—

(1) in paragraphs (1) and (3), by striking “a fee of 1/100 of 1 per centum of” each place it appears and inserting “a fee at a rate that, subject to paragraphs (5) and (6), is equal to \$92 per \$1,000,000 of”;

(2) by redesignating paragraph (4) as paragraph (11); and

(3) by inserting after paragraph (3) the following new paragraphs:

“(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

“(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

“(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

“(7) PRO RATA APPLICATION.—The rates per \$1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than \$1,000,000.

“(8) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

“(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

“(i) the first day of the fiscal year to which such rate applies; or

“(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

“(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

“(i) the first day of fiscal year 2012; or

“(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

“(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropria-

tion to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

“(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.”

SEC. 7. TRUST INDENTURE ACT FEE.

Section 307(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77ggg(b)) is amended by striking “Commission, but, in the case” and all that follows and inserting “Commission.”

SEC. 8. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

“Sec.

“4801. Nonapplicability of chapter 47.

“4802. Securities and Exchange Commission.

“§ 4801. Nonapplicability of chapter 47

“Chapter 47 shall not apply to this chapter.

“§ 4802. Securities and Exchange Commission

“(a) In this section, the term ‘Commission’ means the Securities and Exchange Commission.

“(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

“(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

“(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

“(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

“(f) This section shall be administered consistently with merit system principles.”

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) IMPLEMENTATION PLAN AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan sub-

mitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

“48. Agency Personnel Demonstration Project 4801.”

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking “or” after the semicolon;

(ii) in subparagraph (D), by inserting “or” after the semicolon; and

(iii) by adding at the end the following:

“(E) the Securities and Exchange Commission;”

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking “or” after the semicolon;

(ii) in paragraph (3), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(4) section 4802.”

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

“(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.”

(3) AMENDMENT TO FIRREA.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking “the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation”.

SEC. 9. STUDY OF THE EFFECT OF FEE REDUCTIONS.

(a) STUDY.—The Office of Economic Analysis of the Securities and Exchange Commission (hereinafter referred to as the “Office”) shall conduct a study of the extent to which the benefits of reductions in fees effected as

a result of this Act are passed on to investors.

(b) **FACTORS FOR CONSIDERATION.**—In conducting the study under subsection (a), the Office shall—

(1) consider the various elements of the securities industry directly and indirectly benefitting from the fee reductions, including purchasers and sellers of securities, members of national securities exchanges, issuers, broker-dealers, underwriters, participants in investment companies, retirement programs, and others;

(2) consider the impact on different types of investors, such as individual equity holders, individual investment company shareholders, businesses, and other types of investors;

(3) include in the interpretation of the term “investor” shareholders of entities subject to the fee reductions; and

(4) consider the economic benefits to investors flowing from the fee reductions to include such factors as market efficiency, expansion of investment opportunities, and enhanced liquidity and capital formation.

(c) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Congress the report prepared by the Office on the findings of the study conducted under subsection (a).

SEC. 10. STUDY OF CONVERSION TO SELF-FUNDING.

(a) **GAO STUDY REQUIRED.**—The Comptroller General shall conduct a study of the impact, implications, and consequences of converting the Securities and Exchange Commission to a self-funded basis. Such study shall include analysis of the following issues:

(1) **SEC OPERATIONS.**—The impact of such conversion on the Commission’s operations, including staff quality, recruitment, and retention.

(2) **CONGRESSIONAL OVERSIGHT.**—The implications for congressional oversight of the Commission, including whether imposing annual expenditure limitations would be beneficial to such oversight.

(3) **FEEES.**—The likely consequences of the conversion on the rates, collection procedures, and predictability of fees collected by the Commission.

(4) **APPROPRIATIONS.**—The methods by which the conversion may be accomplished without reducing the availability of offsetting collections for appropriations.

(5) **OTHER MATTERS.**—Such other impacts, implications, and consequences as the Comptroller General may consider relevant to congressional consideration of the question of such conversion.

(b) **SUBMISSION OF REPORT.**—The Comptroller General shall submit to the Committees on Financial Services and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate a report on the study required by subsection (a) no later than 180 after the date of enactment of this Act.

(c) **DEFINITION.**—For the purposes of this section, the term “self-funded basis” means that—

(1) an agency is authorized to deposit the receipts of its collections in the Treasury of the United States, or in a depository institution, but such deposits are not treated as Government funds or appropriated monies, and are available for the salaries and other expenses of the Commission and its employees without annual appropriation or apportionment; and

(2) the agency is authorized to employ and fix the salaries and other compensation of its officers and employees, and such salaries and other compensation are paid without regard

to the provisions of other laws applicable to officers and employees of the United States.

SEC. 11. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), the amendments made by this Act shall take effect on October 1, 2001.

(b) **IMMEDIATE TRANSACTION FEE REDUCTIONS.**—The amendments made by section 2 shall take effect on the later of—

(1) the first day of fiscal year 2002; or

(2) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted.

(c) **ADDITIONAL EXCEPTIONS.**—The authorities provided by section 6(b)(9) of the Securities Act of 1933 and sections 13(e)(9), 14(g)(9) and 31(k) of the Securities Exchange Act of 1934, as so designated by this Act, shall not apply until October 1, 2002.

H.R. 1088

OFFERED BY: MR. LAFALCE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “Fairness in Securities Transactions Act”.

(b) **FINDINGS.**—The Congress finds the following:

(1) The United States capital markets are recognized as the most liquid, efficient, and fair in the world.

(2) The Securities and Exchange Commission has been charged since 1934 with maintaining the integrity of the United States capital markets and with the protection of investors in those markets.

(3) The majority of American households have their savings invested in those securities markets.

(4) A lack of pay parity for the employees of the Securities and Exchange Commission with other United States financial regulators poses a serious threat to the ability of the Commission to recruit and retain the professional staff required to carry out its essential mission.

SEC. 2. IMMEDIATE FEE REDUCTION.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended by striking “1/300 of one percent” each place it appears and inserting “1/500 of one percent”.

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) **POOLING AND ALLOCATION OF COLLECTIONS.**—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking “Every” and inserting “Subject to subsection (i), each”; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

“(d) **OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.**—

“(1) **COVERED TRANSACTIONS.**—Each national securities”

and inserting the following:

“(c) **OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED AND LAST-SALE-REPORTED SECURITIES.**—Subject to subsection (i), each national securities”;

(C) by inserting “registered on a national securities exchange or” after “security futures products”;

(D) by striking “, excluding any sales for which a fee is paid under subsection (c)”;

(4) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively;

(5) in subsection (e) (as redesignated by paragraph (4)), by striking “(b), (c), and (d)” and inserting “(b) and (c)”;

(6) by adding at the end the following new subsection:

“(h) **DEPOSIT OF FEES.**—

“(1) **OFFSETTING COLLECTIONS.**—Fees collected pursuant to subsections (b) and (c) for any fiscal year—

“(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, except that the amount so deposited and credited for fiscal years 2007 through 2011 shall not exceed the target offsetting collection amount for such fiscal year; and

“(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

“(2) **GENERAL REVENUES.**—Fees collected pursuant to subsections (b) and (c) for fiscal years 2007 through 2011 in excess of the amount deposited and credited as offsetting collections pursuant to paragraph (1) for such fiscal year shall be deposited and credited as general revenue of the Treasury. No fees collected pursuant to such subsections for fiscal years 2002 through 2006, fiscal year 2012, or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.”.

(b) **ADDITIONAL REDUCTIONS OF FEES.**—

(1) **AMENDMENT.**—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (h) (as added by subsection (a)(6)) the following new subsections:

“(i) **RECAPTURE OF PROJECTION WINDFALLS FOR FURTHER RATE REDUCTIONS.**—

“(1) **ANNUAL ADJUSTMENT.**—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section that are equal to the sum of—

“(A) the target offsetting collection amount for such fiscal year; and

“(B) the target general revenue amount for such fiscal year.

“(2) **FINAL RATE ADJUSTMENT.**—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

“(3) **LIMITATION ON RATE ADJUSTMENT.**—Notwithstanding paragraphs (1) and (2), no adjusted rate established under this subsection for any fiscal year shall exceed the rate that would otherwise be applicable under subsections (b) and (c) for such fiscal year.

“(4) **REVIEW AND EFFECTIVE DATE.**—An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (h)(1)(B) and (j), an adjusted rate prescribed under paragraph (1) shall take effect on the first day of the fiscal year to which such rate applies and an adjusted rate prescribed under paragraph (2) shall take effect on the first day of fiscal year 2012.

“(j) **LAPSE OF APPROPRIATION.**—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under subsections (b) and (c) at the rate in effect

during the preceding fiscal year, until such a regular appropriation is enacted.

“(k) DEFINITIONS.—For purposes of this section:

“(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount is an amount equal to—

- “(A) \$976,000,000 for fiscal year 2002;
- “(B) \$1,132,000,000 for fiscal year 2003;
- “(C) \$1,370,000,000 for fiscal year 2004;
- “(D) \$1,627,000,000 for fiscal year 2005;
- “(E) \$1,913,000,000 for fiscal year 2006;
- “(F) \$1,110,000,000 for fiscal year 2007;
- “(G) \$1,144,000,000 for fiscal year 2008;
- “(H) \$1,327,000,000 for fiscal year 2009;
- “(I) \$1,523,000,000 for fiscal year 2010; and
- “(J) \$1,745,000,000 for fiscal year 2011.

“(2) TARGET GENERAL REVENUE AMOUNT.—The target general revenue amount is an amount equal to—

- “(A) zero for each of the fiscal years 2002 through 2006;
- “(B) \$463,000,000 for fiscal year 2007;
- “(C) \$449,000,000 for fiscal year 2008;
- “(D) \$500,000,000 for fiscal year 2009;
- “(E) \$551,000,000 for fiscal year 2010; and
- “(F) \$614,000,000 for fiscal year 2011.

“(3) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, and security futures products) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Congressional Budget Office in making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as contained in the projection required to be made in March of the preceding fiscal year.”

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act is amended by inserting before the period at the end the following: “not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies”.

SEC. 4. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

“Sec.

- “4801. Nonapplicability of chapter 47.
- “4802. Securities and Exchange Commission.

“§ 4801. Nonapplicability of chapter 47.

“Chapter 47 shall not apply to this chapter.

“§ 4802. Securities and Exchange Commission

“(a) In this section, the term ‘Commission’ means the Securities and Exchange Commission.

“(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

“(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

“(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989

(12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

“(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

“(f) This section shall be administered consistent with merit system principles.”

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) IMPLEMENTATION PLAN AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

- (i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and
- (ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

- (i) evidence and supporting documentation justifying the plan; and
- (ii) budgeting projections on costs and benefits resulting from the plan.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

“48. Agency Personnel Demonstration Project 4801.”

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

- (i) in subparagraph (C), by striking “or” after the semicolon;
- (ii) in subparagraph (D), by inserting “or” after the semicolon; and
- (iii) by adding at the end the following:

“(E) the Securities and Exchange Commission;”

(C) Section 5373(a) of title 5, United States Code, is amended—

- (i) in paragraph (2), by striking “or” after the semicolon;
- (ii) in paragraph (3), by striking the period and inserting “; or”; and
- (iii) by adding at the end the following:

“(4) section 4802.”

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

“(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.”

(3) AMENDMENT TO FIRREA OF 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking “the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation”.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2001.

H.R. 1157

OFFERED BY: MR. GILCHREST

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pacific Salmon Recovery Act”.

SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this Act to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 3(g)), the Secretary—

- (1) shall allocate 85 percent among qualified States, in equal amounts; and
- (2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 3(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this Act; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 3(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 3(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 3(b) as of the end of the fiscal year.

SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) QUALIFIED STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) CONTENTS.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened

species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this Act are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) TRIBAL MOU WITH SECRETARY.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this Act may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this Act shall be used for local and regional projects.

(d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this Act, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this Act.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this Act is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this Act shall consult with the Secretary to ensure there is no duplication in projects funded under this Act.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this Act each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this Act to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this Act.

SEC. 4. PUBLIC PARTICIPATION.

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this Act shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

SEC. 5. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this Act.

SEC. 6. REPORTS.

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING QUALIFIED TRIBAL GOVERNMENTS.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(b)(2).

(2) BIENNIAL REPORT.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this Act, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biennial report on the use of funds allocated to qualified States under this Act. The report shall review programs funded by the States and evaluate the success of this Act in meeting the criteria listed in section 3(a)(2).

SEC. 7. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term “qualified State” means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term “qualified tribal government” means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; and

(B) a village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) SALMON.—The term “salmon” means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (*oncorhynchus kisutch*).

(B) Chinook salmon (*oncorhynchus tshawytscha*).

(C) Chum salmon (*oncorhynchus keta*).

(D) Pink salmon (*oncorhynchus gorbuscha*).

(E) Sockeye salmon (*oncorhynchus nerka*).

(F) Steelhead trout (*oncorhynchus mykiss*).

(G) Sea-run cutthroat trout (*oncorhynchus clarki clarki*).

(H) For purposes of application of this Act in Oregon—

(i) Lahontan cutthroat trout (*oncorhynchus clarki henshawi*); and

(ii) Bull trout (*salvelinus confluentus*).

(I) For purposes of application of this Act in Washington and Idaho, Bull trout (*salvelinus confluentus*).

(5) SECRETARY.—The term Secretary means the Secretary of Commerce.

SEC. 8. REPORT REGARDING TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

The President shall—

(1) determine the number of United States citizens who—

(A) served as employees of the International Pacific Salmon Fisheries Commission or the International North Pacific Fisheries Commission; and

(B) worked in Canada in the course of employment with that commission;

(2) calculate for each such employee the difference between—

(A) the value, in United States currency, of the annuity payments made and to be made (determined by an actuarial valuation) by or on behalf of each such commission to the employee; and

(B) the value, in Canadian currency, of such annuity payments; and

(3) by not later than September 1, 2001, submit to the Committee on Resources of the

House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the determinations and calculations made under paragraphs (1) and (2).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$200,000,000 for each of the fiscal years 2002, 2003, and 2004 to carry out this Act. Funds appropriated under this section may remain until expended.

H.R. 1157

OFFERED BY: MS. HOOLEY OF OREGON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: At the end of the bill add the following:

SEC. . REPORT ON EFFECTS ON PACIFIC SALMON STOCKS OF CERTAIN TIMBER HARVESTING IN CANADA.

The Secretary, in conjunction with other Federal agencies, shall by not later than December 31 of each year report to the Congress to the best of the ability of the Secretary regarding the effects on Pacific Salmon stocks of timber harvesting on publicly owned lands in British Columbia.

H.R. 1157

OFFERED BY: MR. OTTER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Add at the end the following:

SEC. . SENSE OF THE CONGRESS REGARDING BIPARTISAN JULY 2000 GOALS.

It is the sense of the Congress that the Congress supports the bipartisan July 2000 goals, objectives, and recommendations of the Governors of Idaho, Montana, Oregon and Washington to protect and restore salmon and other aquatic species to sustainable and harvestable levels while meeting the requirements of the Endangered Species Act of 1973, the Clean Water Act, the Pacific Northwest Electric Power Planning and Conservation Act, tribal treaty rights, and executive orders and while taking into account the need to preserve a sound economy in Alaska, California, Idaho, Montana, Oregon, and Washington.

H.R. 2052

OFFERED BY: MR. BACHUS

AMENDMENT NO. 1: Insert the following after section 8 and redesignate the succeeding sections, and references thereto, accordingly:

SEC. 9. PROHIBITION ON TRADING IN U.S. CAPITAL MARKETS.

(a) PROHIBITION.—The President shall exercise the authorities he has under the International Emergency Economic Powers Act to prohibit any entity engaged in the development of oil or gas in Sudan—

(1) from raising capital in the United States; or

(2) from trading its securities (or depository receipts with respect to its securities) in any capital market in the United States.

(b) DEFINITION.—For purposes of this section, an entity is “engaged in the development of oil or gas in Sudan” if that entity is directly engaged in the exploration, production, transportation (by pipeline or otherwise), or refining of petroleum, natural gas, or petroleum products in Sudan.