

LaFalce Taylor (MS) Waters
Rahall Visclosky Wu

NOT VOTING—12

Brown (FL) Frost Jones (OH)
Cubin Houghton Velazquez
DeGette John Whitfield
Ferguson Johnson, E. B. Young (AK)

□ 1114

So the resolution was agreed to.
The result of the vote was announced
as above recorded.
A motion to reconsider was laid on
the table.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1319

Ms. HART. Mr. Speaker, I ask unani-
mous consent that my name be re-
moved as a cosponsor of H.R. 1319.
The SPEAKER pro tempore. Is there
objection to the request of the gentle-
woman from Pennsylvania?
There was no objection.

COMMUNICATION FROM THE HON-
ORABLE DICK ARMEY, MAJORITY
LEADER

The SPEAKER pro tempore laid be-
fore the House a communication from
the Honorable DICK ARMEY, Majority
Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 12, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 20 U.S.C.
4703, I would like to appoint Mr. Stump of
Arizona to the board of Trustees of the Barry
Goldwater Scholarship and Excellence in
Education Foundation.

Sincerely,
DICK ARMEY,
Member of Congress.

INVESTOR AND CAPITAL MARKETS
FEE RELIEF ACT

Mr. OXLEY. Mr. Speaker, pursuant
to House Resolution 161, I call up the
bill (H.R. 1088) to amend the Securities
Exchange Act of 1934 to reduce fees col-
lected by the Securities and Exchange
Commission, and for other purposes,
and ask for its immediate consider-
ation in the House.

The Clerk read the title of the bill.
The SPEAKER pro tempore. Pursu-
ant to House Resolution 161, the bill is
considered read for amendment.

The text of H.R. 1088 is as follows:
H.R. 1088

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. IMMEDIATE TRANSACTION FEE REDUC-
TIONS.

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

- (1) by striking "1/500 of one percent" each
place it appears in subsections (b) and (d)
and inserting "\$12 per \$1,000,000";
(2) in the first sentence of subsection (b),
by striking ", except that" and all that fol-
lows through the end of such sentence;

- (3) in paragraph (1) of subsection (d), by
striking ", except that" and all that follows
through the end of such paragraph;
(4) in subsection (e), by striking "\$0.02"
and inserting "\$0.0072"; and
(5) 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 ap-
plied pro rata to amounts and balances equal
to less than \$1,000,000."

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

(a) POOLING AND ALLOCATION OF COLLEC-
TIONS.—Section 31 of the Securities Ex-
change 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 na-
tional securities"

and inserting the following:
"(c) OFF-EXCHANGE TRADES OF EXCHANGE
REGISTERED AND LAST-SALE-REPORTED SECUR-
ITIES.—Subject to subsection (j), each na-
tional securities";

(C) by inserting "registered on a national
securities exchange or" after "security fu-
tures products"; and

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

(4) in subsection (e)—
(A) 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 trans-
action.";

(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 sub-
sections (d) through (h), respectively;

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

"(i) DEPOSIT OF FEES.—
"(1) OFFSETTING COLLECTIONS.—Fees col-
lected pursuant to subsections (b), (c), and
(d) for any fiscal year—
"(A) shall be deposited and credited as off-
setting 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 ex-
cept to the extent provided in advance in ap-
propriation 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 Treas-
ury."

(b) ADDITIONAL REDUCTIONS OF FEES.—
(1) AMENDMENT.—Section 31 of the Securi-
ties Exchange Act of 1934 (15 U.S.C. 78ee) is
further amended by adding after subsection
(i) (as added by subsection (a)(7)) the fol-
lowing new subsections:
"(j) RECAPTURE OF PROJECTION WINDFALLS
FOR FURTHER RATE REDUCTIONS.—
"(1) ANNUAL ADJUSTMENT.—For each of the
fiscal years 2003 through 2011, the Commis-
sion 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) 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 sub-
sections (b) and (c) for all of such fiscal years
to a uniform adjusted rate that, when ap-
plied to the baseline estimate of the aggre-
gate dollar amount of sales for fiscal year
2012, is reasonably likely to produce aggre-
gate fee collections under this section in fis-
cal year 2012 (including assessments col-
lected under subsection (d)) equal to the tar-
get offsetting collection amount for fiscal
year 2011.

"(3) REVIEW AND EFFECTIVE DATE.—An ad-
justed rate prescribed under paragraph (1) or
(2) 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 reg-
ular appropriation to the Commission for
such fiscal year is enacted; and

"(B) an adjusted rate prescribed under
paragraph (2) 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 reg-
ular appropriation to the Commission for fis-
cal year 2012 is enacted.

"(k) LAPSE OF APPROPRIATION.—If on the
first day of a fiscal year a regular appropria-
tion to the Commission has not been en-
acted, the Commission shall continue to col-
lect (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.

"(1) DEFINITIONS.—For purposes of this sec-
tion:

"(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:

Table with 2 columns: Fiscal year, Target offsetting collection amount. Rows for years 2002-2011.

"(2) BASELINE ESTIMATE OF THE AGGREGATE
DOLLAR AMOUNT OF SALES.—The baseline esti-
mate of the aggregate dollar amount of sales
for any fiscal year is the baseline estimate of
the aggregate dollar amount of sales of securi-
ties (other than bonds, debentures, other
evidences of indebtedness, and security fu-
tures products) to be transacted on each na-
tional securities exchange and by or through
any member of each national securities asso-
ciation (otherwise than on a national securi-
ties exchange) during such fiscal year as de-
termined by the Commission, after consulta-
tion with the Congressional Budget Office
and the Office of Management and Budget,
using the methodology required for making