

effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the public interest.

(d) ANNUAL REPORT.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and to Congress a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

SEC. 333. RELATIONSHIP TO STATE LAW.

(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or actions purporting to regulate insurance producers shall be preempted in the following instances:

(1) No State shall impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association.

(2) No State shall impose any requirement upon a member of the Association that it pay different fees to be licensed or otherwise qualified to do business in that State, including bonding requirements, based on its residency.

(3) No State shall impose any licensing, appointment, integrity, personal or corporate qualifications, education, training, experience, residency, or continuing education requirement upon a member of the Association that is different than the criteria for membership in the Association or renewal of such membership, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) No State shall implement the procedures of such State's system of licensing or renewing the licenses of insurance producers in a manner different from the authority of the Association under section 325.

(b) SAVINGS PROVISION.—Except as provided in subsection (a), no provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including, but not limited to, countersignature laws.

SEC. 334. COORDINATION WITH OTHER REGULATORS.

(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association shall have the authority to—

(1) issue uniform insurance producer applications and renewal applications that may be used to apply for the issuance or removal of State licenses, while preserving the ability of each State to impose such conditions on the issuance or renewal of a license as are consistent with section 333;

(2) establish a central clearinghouse through which members of the Association may apply for the issuance or renewal of licenses in multiple States; and

(3) establish or utilize a national database for the collection of regulatory information concerning the activities of insurance producers.

(b) COORDINATION WITH THE NATIONAL ASSOCIATION OF SECURITIES DEALERS.—The Association shall coordinate with the National Association of Securities Dealers in order to ease any administrative burdens that fall on

persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

SEC. 335. JUDICIAL REVIEW.

(a) JURISDICTION.—The appropriate United States district court shall have exclusive jurisdiction over litigation involving the Association, including disputes between the Association and its members that arise under this subtitle. Suits brought in State court involving the Association shall be deemed to have arisen under Federal law and therefore be subject to jurisdiction in the appropriate United States district court.

(b) EXHAUSTION OF REMEDIES.—An aggrieved person must exhaust all available administrative remedies before the Association and the NAIC before it may seek judicial review of an Association decision.

(c) STANDARDS OF REVIEW.—The standards set forth in section 553 of title 5, United States Code, shall be applied whenever a rule or bylaw of the Association is under judicial review, and the standards set forth in section 554 of title 5, United States Code, shall be applied whenever a disciplinary action of the Association is judicially reviewed.

SEC. 336. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) INSURANCE.—The term "insurance" means any product defined or regulated as insurance by the appropriate State insurance regulatory authority.

(2) INSURANCE PRODUCER.—The term "insurance producer" means any insurance agent or broker, surplus lines broker, insurance consultant, limited insurance representative, and any other person that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

(3) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(4) STATE.—The term "State" includes any State, the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands.

(5) HOME STATE.—The term "home State" means the State in which the insurance producer maintains its principal place of residence and is licensed to act as an insurance producer.

TITLE IV—UNITARY SAVINGS AND LOAN HOLDING COMPANIES

SEC. 401. TERMINATION OF EXPANDED POWERS FOR NEW UNITARY S&L HOLDING COMPANIES.

(a) IN GENERAL.—Section 10(c) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)) is amended by adding at the end the following new paragraph:

"(9) TERMINATION OF EXPANDED POWERS FOR NEW UNITARY S&L HOLDING COMPANY.—

"(A) IN GENERAL.—Subject to subparagraph (B), paragraph (3) shall not apply with respect to any company that becomes a savings and loan holding company pursuant to an application filed after March 31, 1998.

"(B) EXISTING UNITARY S&L HOLDING COMPANIES AND THE SUCCESSORS TO SUCH COMPANIES.—Subparagraph (A) shall not apply, and paragraph (3) shall continue to apply, to a company (or any subsidiary of such company) that—

"(i) either—

"(I) acquired 1 or more savings associations described in paragraph (3) pursuant to applications at least 1 of which was filed before April 1, 1998; or

"(II) became a savings and loan holding company by acquiring ownership or control

of the company described in subclause (I); and

"(ii) continues to control the savings associations referred to in clause (i)(I) or the successor to any such savings association."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)(3)) is amended by striking "Notwithstanding" and inserting "Except as provided in paragraph (9) and notwithstanding".

SEC. 402. RETENTION OF "FEDERAL" IN NAME OF CONVERTED FEDERAL SAVINGS ASSOCIATION.

Section 2 of the Act entitled "An Act to enable national banking associations to increase their capital stock and to change their names or locations." and approved May 1, 1886 (12 U.S.C. 30) is amended by adding at the end the following new subsection:

"(d) RETENTION OF 'FEDERAL' IN NAME OF CONVERTED FEDERAL SAVINGS ASSOCIATION.—

"(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, any depository institution the charter of which is converted from that of a Federal savings association to a national bank or a State bank after the date of the enactment of the Financial Services Act of 1998 may retain the term 'Federal' in the name of such institution so long as such depository institution remains an insured depository institution.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'insured depository institution', 'national bank', and 'State bank' have the same meanings given to such terms in section 3 of the Federal Deposit Insurance Act."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. LAFALCE demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 214 affirmative } Nays 213

¶44.30

[Roll No. 151]

AYES—214

Ackerman	Cooksey	Fossella
Andrews	Cox	Fox
Archer	Coyne	Franks (NJ)
Armey	Cramer	Frelinghuysen
Baker	Crane	Frost
Ballenger	Crapo	Gallegly
Barcia	Cubin	Ganske
Barr	Cunningham	Gejdenson
Bartlett	Deal	Gekas
Bass	DeGette	Gibbons
Bilbray	Delahunt	Gilchrest
Bilirakis	DeLauro	Gillmor
Bishop	DeLay	Gilman
Blagojevich	Deutsch	Gingrich
Bliley	Diaz-Balart	Goodlatte
Boehlert	Dicks	Goodling
Boehner	Dingell	Gordon
Bono	Dooley	Goss
Boyd	Doolittle	Greenwood
Brown (OH)	Doyle	Hall (OH)
Bryant	Dunn	Hansen
Bunning	Ehlers	Hastert
Burton	Ehrlich	Hastings (WA)
Buyer	Emerson	Hayworth
Calvert	Engel	Herger
Castle	English	Hill
Chabot	Ensign	Hobson
Coble	Fawell	Hoekstra
Collins	Fazio	Holden
Condit	Forbes	Horn
Cook	Ford	Hostettler

Houghton	Morella	Schumer	Sanchez	Smith (TX)	Turner
Hyde	Murtha	Sensenbrenner	Sanders	Snowbarger	Velazquez
Inglis	Myrick	Shadegg	Sandlin	Snyder	Vento
John	Nadler	Shaw	Scarborough	Stark	Visclosky
Johnson (CT)	Neal	Shays	Schaffer, Bob	Stenholm	Waters
Johnson, E. B.	Nethercutt	Shimkus	Scott	Stokes	Watkins
Kasich	Neumann	Smith (MI)	Serrano	Taylor (MS)	Watt (NC)
Kelly	Ney	Smith (NJ)	Sessions	Thompson	Watts (OK)
Kennelly	Northup	Smith, Adam	Sherman	Thornberry	Waxman
Kim	Norwood	Smith, Linda	Shuster	Thune	Weygand
King (NY)	Nussle	Solomon	Sisisky	Thurman	Wicker
Kingston	Oxley	Souder	Skeen	Tiahrt	Woolsey
Klug	Packard	Spence	Skelton	Tierney	Wynn
Knollenberg	Pallone	Spratt	Slaughter	Torres	Young (AK)
Kolbe	Pappas	Stabenow	Smith (OR)	Traficant	
Latham	Parker	Stearns			
LaTourette	Pascrell	Strickland			
Lazio	Paxon	Stump			
Leach	Pease	Stupak			
Levin	Pitts	Sununu			
Lewis (CA)	Pomeroy	Talent			
Linder	Porter	Tanner			
Livingston	Portman	Tauscher			
LoBiondo	Price (NC)	Tauzin			
Lowey	Pryce (OH)	Taylor (NC)			
Maloney (NY)	Quinn	Thomas			
Manton	Radanovich	Towns			
Markey	Rahall	Upton			
McCarthy (NY)	Rangel	Walsh			
McCrery	Regula	Wamp			
McDade	Riggs	Weldon (FL)			
McGovern	Rogan	Weldon (PA)			
McIntosh	Rohrabacher	Weller			
McKeon	Ros-Lehtinen	Wexler			
McNulty	Roukema	White			
Meeks (NY)	Royce	Whitfield			
Metcalf	Salmon	Wise			
Mica	Sanford	Wolf			
Miller (FL)	Sawyer	Young (FL)			
Mollohan	Saxton				
Moran (VA)	Schaefer, Dan				

NOT VOTING—6

Bateman	Harman	Skaggs
Gonzalez	Hefner	Yates

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶44.31 MESSAGE FROM THE PRESIDENT—
NATIONAL EMERGENCY WITH RESPECT
TO IRAN

THE SPEAKER pro tempore, Mr. BARRETT of Nebraska, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report of November 25, 1997, concerning the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c). This report covers events through March 31, 1998. My last report, dated November 25, 1997, covers events through September 30, 1997.

1. There have been no amendments to the Iranian Assets Control Regulations, 31 CFR Part 535 (the "IACR"), since my last report.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the period covered in my last report, the Tribunal has rendered one award. This brings the total number of awards rendered by the Tribunal to 585, the majority of which have been in favor of U.S. claimants. As of March 31, 1998, the value of awards to successful U.S. claimants paid from the Security Account held by the NV Settlement Bank was \$2,480,897,381.53.

Since my last report, Iran has failed to replenish the Security Account established by the Algiers Accords to ensure payment of awards to successful U.S. claimants. Thus, since November 5, 1992, the Security Account has continuously remained below the \$500 million balance required by the Algiers Accords. As of March 31, 1998, the total amount in the Security Account was \$125,888,588.35, and the total amount in the Interest Account was \$21,716,836.85. Therefore, the United States continues to pursue Case No. A/28, filed in September 1993, to require Iran to meet its

obligation under the Algiers Accords to replenish the Security Account.

The United States also continues to pursue Case No. A/29 to require Iran to meet its obligation of timely payment of its equal share of advances for Tribunal expenses when directed to do so by the Tribunal. Iran filed its Rejoinder in this case on February 9, 1998.

3. The Department of State continues to respond to claims brought against the United States by Iran, in coordination with concerned government agencies.

On January 16, 1998, the United States filed a major submission in Case No. B/1, a case in which Iran seeks repayment for alleged wrongful charges to Iran over the life of its Foreign Military Sales (FMS) program, including the costs of terminating the program. The January filing primarily addressed Iran's allegation that its FMS Trust Fund should have earned interest.

Under the February 22, 1996, settlement agreement related to the Iran Air case before the International Court of Justice and Iran's bank-related claims against the United States before the Tribunal (see report of May 16, 1996), the Department of State has been processing payments. As of March 31, 1998, the Department of State has authorized payment to U.S. nationals totaling \$13,901,776.86 for 49 claims against Iranian banks. The Department of State has also authorized payments to surviving family members of 220 Iranian victims of the aerial incident, totaling \$54,300,000.

During this reporting period, the full Tribunal held a hearing in Case No. A/11 from February 16, through 18. Case No. A/11 concerns Iran's allegations that the United States violated its obligations under Point IV of the Algiers Accords by failing to freeze and gather information about property and assets purportedly located in the United States and belonging to the estate of the late Shah of Iran or his close relatives.

4. U.S. nationals continue to pursue claims against Iran at the Tribunal. Since my last report, the Tribunal has issued an award in one private claim. On March 5, 1998, Chamber One issued an award in *George E. Davidson v. Iran*, AWD No. 585-457-1, ordering Iran to pay the claimant \$227,556 plus interest for Iran's interference with the claimant's property rights in three buildings in Tehran. The Tribunal dismissed the claimant's claims with regard to other property for lack of proof. The claimant received \$20,000 in arbitration costs.

5. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement prop-

NOES—213

Abercrombie	Etheridge	Lewis (KY)
Aderholt	Evans	Lipinski
Allen	Everett	Lofgren
Bachus	Ewing	Lucas
Baessler	Farr	Luther
Baldacci	Fattah	Maloney (CT)
Barrett (NE)	Filner	Manzullo
Barrett (WI)	Foley	Martinez
Barton	Fowler	Mascara
Becerra	Frank (MA)	Matsui
Bentsen	Furse	McCarthy (MO)
Bereuter	Gephardt	McCollum
Berman	Goode	McDermott
Berry	Graham	McHale
Blumenauer	Granger	McHugh
Blunt	Green	McInnis
Bonilla	Gutierrez	McIntyre
Bonior	Gutknecht	McKinney
Borski	Hall (TX)	Meehan
Boswell	Hamilton	Meek (FL)
Boucher	Hastings (FL)	Menendez
Brady	Hefley	Millender-
Brown (CA)	Hilleary	McDonald
Brown (FL)	Hilliard	Miller (CA)
Burr	Hinche	Minge
Callahan	Hinojosa	Mink
Camp	Hooley	Moakley
Campbell	Hoyer	Moran (KS)
Canady	Hulshof	Oberstar
Cannon	Hunter	Obey
Capps	Hutchinson	Olver
Cardin	Istook	Ortiz
Carson	Jackson (IL)	Owens
Chambliss	Jackson-Lee	Pastor
Chenoweth	(TX)	Paul
Christensen	Jefferson	Payne
Clay	Jenkins	Pelosi
Clayton	Johnson (WI)	Peterson (MN)
Clement	Johnson, Sam	Peterson (PA)
Clyburn	Jones	Petri
Coburn	Kanjorski	Pickering
Combest	Kaptur	Pickett
Conyers	Kennedy (MA)	Pombo
Costello	Kennedy (RI)	Poshard
Cummings	Kildee	Ramstad
Danner	Kilpatrick	Redmond
Davis (FL)	Kind (WI)	Reyes
Davis (IL)	Kleczka	Riley
Davis (VA)	Klink	Rivers
DeFazio	Kucinich	Rodriguez
Dickey	LaFalce	Roemer
Dixon	LaHood	Rogers
Doggett	Lampson	Rothman
Dreier	Lantos	Roybal-Allard
Duncan	Largent	Rush
Edwards	Lee	Ryun
Eshoo	Lewis (GA)	Sabo