

Smith (TX) Tazuin Vucanovich
Snowe Taylor (MS) Walker
Solomon Taylor (NC) Walsh
Spence Tejada Weldon
Spratt Thomas (CA) Wheat
Stearns Thomas (WY) Williams
Stenholm Thompson Wilson
Stokes Thornton Wise
Strickland Thurman Wolf
Studds Torkildsen Wyden
Stump Towns Young (AK)
Stupak Tucker Young (FL)
Sundquist Upton Zeliff
Swift Valentine Zimmer
Talent Visclosky
Tanner Volkmer

NOT VOTING—9

Bentley Gallo Washington
Faleomavaega McCurdy Whitten
(AS) Ros-Lehtinen
Frost Underwood (GU)

So the amendment was not agreed to.
After some further time,

79.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FIELDS of Louisiana:

Page 3, line 10, strike "and" and insert a comma.

Page 3, line 13, strike "and" and insert "an explanation of each of the reasons for which exposure units were canceled or not renewed by such insurer, and the total exposure units canceled and not renewed for each such reason,".

Page 3, line 23, strike the period and insert ", and".

Page 3, after line 23, insert the following new clause:

(iii) the total number of written applications or written requests to issue an insurance policy submitted to such insurer (or any agent or broker of the insurer) that were declined, an explanation of each of the reasons for which such applications or requests were declined, and the total number of declinations for each such reason.

Page 24, line 16, after "insurance policies" insert ", exposure units cancelled or not renewed, and written applications or requests to issue and insurance policy declined."

It was decided in the Yeas 123
negative Nays 305

79.18 [Roll No. 339]
AYES—123

Abercrombie Eshoo Kopetski
Ackerman Evans Lantos
Andrews (ME) Farr LaRocco
Bacchus (FL) Fields (LA) Lewis (GA)
Barrett (WI) Filner Lowey
Becerra Fingerhut Maloney
Beilenson Flake McCloskey
Berman Foglietta McDermott
Bishop Ford (TN) McHale
Blackwell Frank (MA) McKinney
Bonior Frost Meehan
Brooks Furse Menendez
Brown (CA) Gejdenson Mfume
Brown (FL) Gephardt Miller (CA)
Carr Gilman Mineta
Clay Gonzalez Mink
Clayton Green Montgomery
Clement Gutierrez Nadler
Clyburn Hastings Norton (DC)
Collins (MI) Hayes Oberstar
Conyers Hefley Olver
Costello Hefner Ortiz
Coyne Hinchey Owens
de la Garza Jefferson Pastor
de Lugo (VI) Johnson, E. B. Payne (NJ)
Dellums Johnston Pelosi
Diaz-Balart Kanjorski Poshard
Dicks Kennedy Rangel
Dixon Kildee Reynolds
Durbin Kleczka Rose
Edwards (CA) Klein Rostenkowski
Engel Klink Roybal-Allard

Rush Studds
Sabo Swett
Sanders Synar
Schumer Tazuin
Serrano Thompson
Skaggs Torres
Wyden Torricelli
Stark Traficant
Stokes Tucker

NOES—305

Allard Franks (NJ)
Andrews (NJ) Gallegly
Andrews (TX) Gekas
Applegate Geren
Archer Gibbons
Army Gilchrest
Bachus (AL) Gillmor
Baesler Gingrich
Baker (CA) Glickman
Baker (LA) Goodlatte
Ballenger Goodling
Barca Gordon
Barcia Goss
Barlow Grams
Barrett (NE) Grandy
Bartlett Greenwood
Barton Gunderson
Bateman Hall (OH)
Bentley Hall (TX)
Bereuter Hamburg
Bevill Hamilton
Bilbray Hancock
Bilirakis Hansen
Biley Harman
Blute Hastert
Boehlert Herger
Boehner Hoagland
Bonilla Hobson
Borski Hochbrueckner
Boucher Hoekstra
Brewster Hoke
Broadner Holden
Brown (OH) Horn
Bryant Houghton
Bunning Hoyer
Burton Huffington
Buyer Hughes
Byrne Hunter
Callahan Hutchinson
Calvert Hutto
Camp Hyde
Canady Inglis
Cantwell Inhofe
Cardin Inslee
Castle Istook
Chapman Jacobs
Clinger Johnson (CT)
Coble Johnson (GA)
Coleman Johnson (SD)
Collins (GA) Johnson, Sam
Collins (IL) Kaptur
Combest Kasich
Condit Kennelly
Cooper Kim
Coppersmith King
Cox Kingston
Cramer Klug
Crane Knollenberg
Crapo Kolbe
Cunningham Kreidler
Danner Kyl
Darden LaFalce
Deal Lambert
DeFazio Lancaster
DeLauro Laughlin
DeLay Lazio
Derrick Leach
Deutsch Lehman
Dietrich Levin
Dingell Levy
Dooley Lewis (CA)
Doolittle Lewis (FL)
Dornan Lewis (KY)
Dreier Lightfoot
Duncan Linder
Dunn Lipinski
Edwards (TX) Livingston
Ehlers Lloyd
Emerson Long
English Lucas
Everett Machtley
Ewing Mann
Fawell Manton
Fazio Manzullo
Fields (TX) Margolies-
Fish Mezvinsky
Ford (MI) Markey
Fowler Martinez
Franks (CT) Matsui

Unsoeld
Velazquez
Vento
Watt
Waxman
Wheat
Wyden
Wynn
Yates

Smith (OR) Tanner
Smith (TX) Taylor (MS)
Snowe Taylor (NC)
Solomon Tejada
Spence Thomas (CA)
Spratt Thomas (WY)
Stearns Thornton
Stenholm Thurman
Strickland Torkildsen
Stump Towns
Stupak Upton
Sundquist Valentine
Swift Visclosky
Talent Volkmer

NOT VOTING—11

Faleomavaega McCurdy Washington
(AS) Neal (NC) Waters
Gallo Ros-Lehtinen Whitten
Hilliard Underwood (GU) Wilson

So the amendment was not agreed to.
After some further time,
The SPEAKER pro tempore, Mr. TORRES, assumed the Chair.

When Ms. DELAURO, Chairman, pursuant to House Resolution 475, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti Redlining in Insurance Disclosure Act".

SEC. 2. FINDINGS AND CONSTRUCTION.

(a) FINDINGS.—The Congress finds that—
(1) disparities in property and casualty insurance coverage provided by insurers engaged in interstate commerce between areas of different incomes and racial composition could adversely affect interstate commerce and the cost and availability of insurance for consumers, and

(2) appropriate disclosures of information by insurers would benefit consumers and insurance regulators.

(b) CONSTRUCTION.—Nothing in this Act is intended to, nor shall it be construed to, encourage unsound underwriting practices.

SEC. 3. MAINTENANCE OF INFORMATION AND PUBLIC DISCLOSURE.

(a) GENERAL RULE.—

(1) DESIGNATED INSURERS.—

(A) IN GENERAL.—Except as provided by subsection (b)(7), each designated insurer shall, in accordance with subsection (b), annually compile, submit to the Secretary, and make available to the public for each calendar year and for designated lines of insurance in a designated MSA—

(i) the total number of policies, total exposure units (in car years and house years), and total earned premium of insurance policies by designated line which were issued by such insurer and the new written exposure units, exposure units canceled, and the exposure units not renewed by such insurer, and

(ii) the number of licensed agents of such insurer whose principal place of business is located in such designated MSA and the number within each 5-digit zip code in such designated MSA and with respect to each such agent, whether such agent is an employee, independent contractor working exclusively for such insurer, or an independent contractor appointed to represent such insurer on a non-exclusive basis.

(B) SUBMISSIONS AND AVAILABILITY.—The information described in subparagraph (A) shall be—

(i) submitted to the Secretary in accordance with subsection (d), and

(ii) made available to the public, in accordance with subsection (b)(2), for inspection

and copying, at cost, at the home office of the insurer and at a central depository, established under subsection (c), by the Secretary.

(2) NON-DESIGNATED INSURERS.—Except as provided in subsection (b)(7), every insurer which sells an insurance policy in a designated line of insurance in a designated MSA and which is not a designated insurer in such MSA shall submit to the Secretary for each calendar year in accordance with subsection (d) and regulations of the Secretary the total exposure units (in car years and house years) of insurance policies in a designated line sold in such MSA. With respect to such policies, the insurer shall report the designated MSA where the insured risks are located for which such insurance is issued and within such MSA report the 5-digit zip code where the risk is located.

(b) REQUIREMENTS.—

(1) CONTENT.—The information required to be maintained and made available under subsection (a)(1) shall be itemized in order to clearly and conspicuously disclose the policies, the exposure units, and the premium amount for each line of insurance for which information is required and be itemized by the 5-digit zip code where the risks are located.

(2) AVAILABILITY TO THE PUBLIC.—The information required to be maintained and made available under subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the calendar year following the calendar year for which the information is required to be made available, except that such information shall not be made available to the public until it is available in its entirety but it shall be made available if not all the information required to be reported is available on such October 1 or on the date determined by the Secretary.

(3) SPECIFICATION OF DATA.—

(A) IN GENERAL.—With respect to information which is required to be maintained and made available under subsection (a)(1), the Secretary shall by regulation establish specifications for the collection and public reporting of such information with respect to the following lines of insurance: private passenger automobile, homeowners, and dwelling fire and allied lines. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) detail what data elements should be collected,

(iv) provide for the collection of information on an individual insurer basis,

(v) minimize burdens on insurance agents, including independent insurance agents,

(vi) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers,

(vii) take into account the types of data collected under the Home Mortgage Disclosure Act of 1975,

(viii) take into account existing statistical reporting systems in the insurance industry,

(ix) require itemization by 5-digit zip code, and

(x) include information on policies written in a residual market.

(B) CONSULTATIONS.—In developing the specifications in subparagraph (A), the Secretary shall consult with—

(i) other Federal agencies with appropriate expertise,

(ii) State insurance regulators,

(iii) representatives of the insurance industry, including statistical agents,

(iv) representatives of insurance producers, including minority insurance producers, and

(v) consumer, community, and civil rights groups who are representative of a diversity of geographic locations.

(C) EFFECTIVE DATE.—The regulation under subparagraph (A) shall be issued no later than 270 days after the date of the enactment of this Act.

(4) COMMERCIAL INSURANCE STUDY AND PILOT PROJECT.—

(A) STUDY.—The Secretary shall conduct a study regarding the availability of commercial insurance (other than professional liability insurance, workers compensation insurance, and title insurance) with special emphasis on the availability of commercial insurance for small business. The study shall focus on—

(i) an appropriate definition for small business; and

(ii) preliminary views regarding the availability, cost, and type of insurance coverage for small business, which may be based on surveys of members of the small business community.

In conducting the study, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a report detailing the findings of the study to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(B) PROPOSAL OF PILOT PROJECT.—Concurrent with the conduct of the study under subparagraph (A), the Secretary shall develop a proposed data collection pilot project in the 5 largest MSA's to help determine the need for any further data collection requirements to evaluate the availability, cost, and type of insurance coverage for small business. In developing the proposed pilot project, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a specific proposal for a pilot project to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(C) SPECIFICATIONS FOR PILOT PROJECT.—Immediately following the submission of the proposal for a pilot project, the Secretary shall, by regulation, establish specifications for the collection and public reporting of information with respect to commercial insurance for the proposed pilot project. As part of the specifications, the Secretary shall designate the 5 largest MSA's for purposes of the pilot project. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) provide for the collection of information on an individual insurer basis,

(iv) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers, and insurance agents, including independent insurance agents,

(v) take into account existing statistical reporting systems in the insurance industry and use existing data sources to the maximum practical extent,

(vi) include information on policies written in a residual market,

(vii) detail what data elements should be collected,

(viii) detail what insurers should be designated insurers for purposes of the pilot project,

(ix) detail what lines of commercial insurance should be designated for purposes of the pilot project, with particular consideration given to commercial fire and business owners lines,

(x) include an appropriate definition of small business, if necessary,

(xi) provide data representative of at least 2 years of experience and provide that the pilot project will terminate no later than 2 years after its inception, and

(xii) provide adequate lead time to insurers designated under clause (viii) for the reporting to begin.

The regulation shall be issued within 2 years of the date of enactment of this Act.

(D) REPORTING UNDER PILOT PROJECT.—Insurers designated under subparagraph (C)(viii) shall report to the Secretary with respect to lines of insurance designated under subparagraph (C)(ix) in the 5 largest MSA's, pursuant to the regulation issued by the Secretary in subparagraph (C).

(E) ANALYSIS OF DATA UNDER PILOT PROJECT.—At the conclusion of the pilot project, the Secretary shall analyze the data collected. Within 1 year of the conclusion of the pilot project, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate on—

(i) any conclusions of the Secretary regarding the data collected under the pilot project, particularly regarding the availability, cost, and type of commercial insurance for small business, and

(ii) the need for further data collection requirements to evaluate the availability, cost, and type of such coverage or to help ensure the availability of such coverage.

(5) PERIOD OF MAINTENANCE.—Any information required to be compiled and made available under subsection (a) shall be maintained and made available for a period of 3 years after the close of the first year during which such information is required to be maintained and made available.

(6) FORMAT FOR DISCLOSURES.—Subject to subsection (c), the Secretary shall prescribe a standard format for making information available as required by subsection (a). Such format shall encourage the submission of information in a form readable by a computer.

(7) EXEMPTION.—

(A) SECRETARIAL ACTION.—If the Secretary determines that a State has enacted a law, or otherwise implemented a requirement under which—

(i) insurers operating in that State are subject to disclosure requirements on a 5-digit zip code basis substantially similar to those of subsection (a),

(ii) there are adequate provisions for enforcement, and

(iii) the information disclosed under the State law or requirement is made available to the Secretary and the public in a manner similar to other information disclosed under subsection (a),

then the Secretary shall by regulation exempt insurers operating in that State from complying with the requirements of subsection (a) with respect to that State's portions of the designated MSA's. If the Secretary determines that the State law or requirement no longer meets the criteria of clauses (i) through (iii) or is no longer in ef-

fect, the Secretary shall by regulation revoke the exemption.

(B) UNITED STATES PROGRAM.—Reporting shall not be required under subsection (a) with respect to insurance provided by a program underwritten or administered by the United States.

(C) PUBLIC ACCESS SYSTEM.—The Secretary shall implement a system to facilitate public access to information required to be made available to the public under subsection (a). Such system shall include arrangements for a central depository of information in each designated MSA and for a telephone number which can be used by the public, at cost, to request such information. Statements shall be made available to the public for inspection and copying at such central depository of information for all designated insurers within such MSA. The Secretary shall also make copies of such statements available in forms readable by widely used personal computers, such as in disc format. The Secretary may charge a fee for such information, which may not exceed the amount, determined by the Secretary, that is equal to the cost of reproducing the information.

(D) SUBMISSION TO SECRETARY.—With respect to the information required to be submitted under subsection (a) to the Secretary, the Secretary shall develop regulations prescribing the format and method for submitting such information. Such regulations shall ensure uniformity among insurers, to the extent practicable, in the format used for reporting, including the definitions of data elements. Any reporting insurer may submit in writing to the Secretary such additional data or explanations as it deems relevant to the decision by such insurer to sell insurance.

SEC. 4. DESIGNATIONS.

(A) DESIGNATIONS BY THE SECRETARY.—

(1) DESIGNATIONS OF MSA'S.—The Secretary shall designate the MSA's for which reporting is required under section 3(a). The Secretary shall designate the 25 MSA's having the largest population.

(2) DESIGNATION OF INSURERS.—For each MSA designated under paragraph (1), the Secretary shall take the following actions:

(A) The Secretary shall designate the insurers transacting insurance business in such MSA for which reporting is required under section 3(a). At a minimum, the Secretary shall designate the 25 insurers in such MSA having the largest premium volume in the designated lines of insurance in each State in which such MSA is located.

(B) In addition to the insurers designated under subparagraph (A), the Secretary shall also designate any entity primarily providing insurance in a designated line of insurance as part of a residual market established by State law.

(C) The Secretary shall also designate, in addition to the insurers designated under subparagraphs (A) and (B), insurers who specialize in selling insurance in urban areas, including surplus lines insurers.

(D) The Secretary shall also designate, in addition to the insurers designated under subparagraph (A), (B), and (C) insurers such that insurers representing at least 80 percent of the premium volume in each State in which such MSA is located in the designated line of insurance are designated in such MSA. The Secretary may not designate additional insurers under this subparagraph if their market share in the designated line of insurance in the applicable States, as measured by premium volume in each State in which such MSA is located, is under 1 percent.

(E) In addition to the insurers designated under subparagraph (A), (B), (C), and (D) the Secretary may by regulation designate additional insurers in a MSA if the designation

of additional insurers is necessary to provide valid data with respect to the availability, cost, and type of insurance in the MSA.

(F) The Secretary shall revoke the designation of an insurer designated under subparagraph (A) as follows: If such designated insurer has a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent, the Secretary shall revoke the designation of such insurer beginning with the insurer with the smallest market share of such insurance if the remainder of the designated insurers have a market share of at least 75 percent of such insurance as measured by premium volume in each State in which such MSA is located. In addition, the Secretary may revoke the designation of any insurer designated under subparagraph (A) with a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent if such designation has not been revoked under this subparagraph and if such insurer primarily sells insurance in rural areas of such MSA.

(G) For purposes of this paragraph, insurers which are affiliated or are members of the same group shall be considered together as one insurer.

(3) DESIGNATION OF LINES OF INSURANCE.—For each MSA designated under paragraph (1) the following are the designated lines of property and casualty insurance for which reporting is required under section 3:

(A) Private passenger automobile insurance.

(B) Homeowners insurance.

(C) Dwelling fire and allied lines of insurance.

(4) TIMING OF DESIGNATIONS.—

(A) INITIAL DESIGNATIONS.—The Secretary shall make initial designations required by paragraphs (1), (2), and (3) no later than July 1 of the year preceding the first year for which reporting is required under section 3. Such initial designations shall be effective for 5 calendar years from the date of designation.

(B) SUBSEQUENT DESIGNATIONS.—Not later than July 1 of the year preceding the fifth year after a designation under subparagraph (A) or this subparagraph, the Secretary shall make another designation to be effective upon the expiration of such 5 years and such designation shall be effective for 5 calendar years from the date of designation.

(C) NOTICE.—The Secretary shall notify persons involved in the designations no later than the July 15 which follows the designation.

(D) OBTAINING INFORMATION.—The Secretary may obtain from insurers such information as the Secretary may require to make designations under subsection (a).

SEC. 5. TASK FORCE ON AGENCY APPOINTMENTS.

(a) ESTABLISHMENT.—Within 90 days of the date of the enactment of this Act, the Secretary shall establish a task force on insurance agency appointments. The task force shall—

(1) consist of representatives of appropriate Federal agencies, property and casualty insurance agents, including specifically minority insurance agents, property and casualty insurance companies, State insurance regulators, and public interest groups,

(2) have a significant representation from minority insurance agents, and

(3) be chaired by the Secretary or the Secretary's designee.

(b) FUNCTION.—The task force shall—

(1) review the problems inner city and minority agents may have in receiving appointments to represent property and casualty insurance companies,

(2) review the practices of insurers in terminating agents and consider the effect such

practices have on the availability or cost of insurance, especially in underserved areas, and

(3) recommend solutions to improve the ability of inner city and minority insurance agents to market property and casualty insurance products, including steps property and casualty insurance companies should take to increase their appointments of such agents.

(c) REPORT AND TERMINATION.—The task force shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate its findings under paragraphs (1) and (2) of subsection (b) and its recommendations under paragraph (3) of subsection (b) within 2 years after the date of the enactment of this Act. The task force shall terminate when the report is submitted to the Committees.

SEC. 6. IMPLEMENTATION OF SECTION 3.

(a) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out section 3. Such regulations may—

(1) contain such classifications, differentiations, or other provisions, and

(2) may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Secretary are necessary and proper to effectuate the purposes of such section and to prevent circumvention or evasion thereof or to facilitate compliance therewith.

(b) DATA COLLECTION CONTRACTOR.—The Secretary may contract with a data collection contractor to carry out the Secretary's responsibilities under section 3 if the contractor agrees to collect and make available the data pursuant to the terms and conditions of such section. A statistical agent may also be a data contractor.

(c) ROLE OF STATISTICAL AGENTS.—

(1) ACCEPTANCE OF DATA.—The Secretary and, if applicable, the contractor under the subsection (b) contract may accept data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if—

(A) the statistical plan used by the statistical agent for the reporting of data on insurance provides for the reporting of data in a manner compatible with section 3(a),

(B) the statistical agent reports such data on an individual insurer basis, and, at the discretion of the Secretary, on an aggregate basis,

(C) the statistical agent provides adequate procedures to protect the integrity of the data reported,

(D) the statistical agent has procedures in place which ensure that data reported under the statistical plan in connection with reporting under this Act and submitted to the Secretary are not subject to adjustment by the statistical agent or an insurer for reasons other than technical accuracy and conformance to the statistical plan,

(E) the statistical agent ensures that the data of one insurer is not subject to review by other insurers before public availability, and

(F) the statistical agent provides for the reporting of data in a manner compatible with the format prescribed by the Secretary under section 3(d).

(2) DISCONTINUANCE OF DATA ACCEPTANCE.—The Secretary may, after providing an opportunity for a hearing, discontinue accepting data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if the Secretary determines the requirements for acceptance of data in paragraph (1) are no longer met.

(d) ROLE OF GAO.—The Comptroller General shall have the authority to review and audit any data collection and reporting per-

formed under section 3, whether by the Secretary, the contractor under the subsection (b) contract, or a statistical agent, to ensure that the integrity of the data collected and reported is protected.

(e) **BURDENS ON INSURANCE AGENTS.**—In prescribing regulations under this Act, the Secretary shall take into consideration the administrative, paperwork, and other burdens on insurance agents, including independent insurance agents, involved in complying with the requirements of this Act and shall minimize the burdens imposed by such requirements with respect to such agents.

SEC. 7. RELATION TO STATE LAWS.

This Act does not annul, alter, or affect, or exempt the obligation of any insurer subject to this Act to comply with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping.

SEC. 8. COMPILATION OF AGGREGATE DATA.

(a) **SCOPE OF DATA AND TABLES.**—The Secretary shall compile each year, for each MSA, data aggregated by 5-digit zip code for all insurers who are subject to section 3 or who are exempt from section 3 under subsection (b)(7)(A) of such section. The Secretary shall also produce tables indicating, for each MSA, insurance policies aggregated for various categories of 5-digit zip codes grouped according to location, age of property, income level, and racial characteristics of neighborhood.

(b) **AGGREGATION OF INFORMATION.**—Statistical agents may aggregate the data of insurers that report to them and may provide such information to the Secretary. The Secretary may also provide the individual company data submitted by insurers to statistical agents for aggregation.

(c) **AVAILABILITY TO PUBLIC.**—The data compiled and the tables produced pursuant to subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the year following the calendar year on which the data and tables are based.

SEC. 9. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—Any insurer who is determined by the Secretary, after providing opportunity for a hearing on the record, to have violated the requirements of section 3 shall be subject to a civil penalty of not to exceed \$5,000 for each day during which such violation continues.

(b) **INJUNCTION.**—The Secretary may bring an action in an appropriate United States district court for appropriate declaratory and injunctive relief against any insurer who violates the requirements of section 3.

(c) **INSURER LIABILITY.**—An insurer shall be responsible under subsections (a) and (b) for any violation of a statistical agent acting on behalf of the insurer.

SEC. 10. SUNSET.

(a) **EXPIRATION.**—Except as provided in subsection (b), this Act shall not be in effect after the expiration of 5 years from its effective date. Prior to the expiration of 4 years from such date, the Secretary shall report to the Energy and Commerce Committee of the House of Representatives and the appropriate committee of the Senate—

(1) the quality of data received under section 3 and the effectiveness of the data requirement, including the relation between the cost of such data gathering and the benefits from having such data available,

(2) the appropriateness of the geographic data reporting units,

(3) the need for continued reporting by the designated insurers in urban areas,

(4) the efforts of insurers to meet the insurance needs of minority and low-income neighborhoods, and

(5) such other information as the Secretary determines will assist in considering an extension of this Act.

(b) **EXTENSION.**—Based on the Secretary's report on the need described in subsection (a)(3) and the information described in subsection (a)(5), the Secretary may extend this Act for one period of 2 years.

SEC. 11. STUDIES.

(a) **STUDY OF INFORMATION ON INSURANCE APPLICANTS.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility and utility of the collection of information with respect to the characteristics of applicants for insurance and reasons for rejection of applicants. The study shall examine the extent to which—

(A) oral applications or representations are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(B) written applications are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(C) written applications are submitted after the insurer or agent has already made a determination to provide insurance to a prospective insured or has determined that the prospective insured is eligible for insurance, and

(D) prospective insureds are discouraged from submitting applications for insurance based, in whole or in part, on—

(i) the location of the risk to be insured,

(ii) the race or ethnicity of the prospective insured,

(iii) the racial or ethnic composition of the neighborhood in which the risk to be insured is located, and

(iv) in the case of residential property insurance, the age and value of the risk to be insured.

(2) **REPORT.**—The Secretary shall report the results of the study under paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate within 18 months of the date of the enactment of this Act.

(b) **STUDY OF INSURER ACTIONS TO MEET INSURANCE NEEDS OF CERTAIN NEIGHBORHOODS.**—The Secretary shall conduct a study of various practices, actions, programs, and methods undertaken by insurers to meet the property and casualty insurance needs of residents of low- and moderate-income neighborhoods, minority neighborhoods, and small businesses located in such neighborhoods. The Secretary may establish a task force of interested parties, including representatives of insurance companies, insurance agents, including minority agents, and consumer representatives to discuss additional practices, actions, programs, and methods to meet these needs. The Secretary shall report the results of the study, including any recommendations, to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate no later than 2 years after the date of the enactment of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "commercial insurance" means any line of property and casualty insurance, except private passenger automobile and homeowner's insurance.

(2) The term "designated insurer" means an insurer designated by the Secretary pursuant to section 4(a)(2).

(3) The term "designated line" means a line of insurance specified in section 4(a)(3).

(4) The term "exposure units" means units insured against risk of loss by an insurer and the term "units" means an automobile or the number of units in a building.

(5) The term "insurer" means any corporation, association, society, order, firm, company, partnership, individual, or aggregation

of individuals which is subject to examination or supervision by any State insurance regulator, or which is doing or represents an insurance business. Such term does not include an individual or entity which represents an insurer as agent for the purpose of selling or which represents a consumer as a broker for the purpose of buying insurance.

(6) The term "MSA" means a Metropolitan Statistical Area or a Consolidated Metropolitan Statistical Area and the term "designated MSA" means an MSA designated by the Secretary pursuant to section 4(a)(1).

(7) The term "property and casualty insurance" means insurance against loss of or damage to property, insurance against loss of income or extra expense incurred because of loss of, or damage to, property, and insurance against third party liability claims caused by negligence or imposed by statute or contract.

(8) The term "residual market" means an assigned risk plan, joint underwriting association, or any similar mechanism designed to make insurance available to those unable to obtain it in the voluntary market.

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

SEC. 13. EFFECTIVE DATE.

The requirements of this Act shall take effect with respect to information on insurance described in section 3 and developed in and after calendar year 1995.

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. TORRES, announced that the yeas had it.

So the bill was passed.

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

¶79.19 MOTION TO INSTRUCT CONFEREES—H.R. 3355

Mr. MCCOLLUM submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm, or destructive device during a state crime of violence or state drug trafficking crime.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?