

will undermine the Commission's recommendations being implemented west of the line to rebuild Atlantic bluefin tuna;

Whereas, in order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea.

A motion to reconsider the votes whereby said concurrent resolution, as amended, was agreed to and the preamble was amended was, by unanimous consent, laid on the table.

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

¶120.49 FAIR CREDIT REPORTING

On motion of Mr. KENNEDY, by unanimous consent, the Committee on Banking, Finance and Urban Affairs was discharged from further consideration of the bill (H.R. 5178) to amend the Fair Credit Reporting Act, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

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

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

¶120.50 DISCLOSURES BY CONSUMER REPORTING AGENCIES

On motion of Mr. KENNEDY, by unanimous consent, the Committee on Banking, Finance and Urban Affairs was discharged from further consideration of the bill (H.R. 5143) to amend the Fair Credit Reporting Act to provide for disclosures by consumer reporting agencies to the Federal Bureau of Investigation for counterintelligence purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

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

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

¶120.51 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 21

Mr. GORDON, by direction of the Committee on Rules, reported (Rept. No. 103-839) the resolution (H. Res. 568) waiving certain points of order against the conference report to accompany the bill of the Senate (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶120.52 SAN DIEGO OCEAN DISCHARGE

On motion of Mr. FILNER, by unanimous consent, the Committee on Public Works and Transportation and the Committee on Merchant Marine and

Fisheries were discharged from further consideration of the bill (H.R. 5176) to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

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

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

¶120.53 PROVIDING FOR THE CONSIDERATION OF S. 455

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 565):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GORDON, the previous question was ordered on the resolution.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. VISCLOSKEY, announced that the yeas had it.

Mr. VENTO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. VISCLOSKEY, pursuant to clause 5, rule I,

announced that further proceedings on the motion were postponed until Thursday, October 6, 1994.

¶120.54 INVESTMENT ADVISORS RECOVERY COSTS

On motion of Mr. MARKEY, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the bill of the Senate (S. 423) to provide for recovery of costs of supervision and regulation of investment advisors and their activities, and for other purposes.

Mr. MARKEY submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Advisers Amendments of 1994".

SEC. 2. ADDITIONAL RESOURCES FOR INVESTMENT ADVISER SUPERVISION.

(a) FEES FOR REGISTRANTS AND APPLICANTS.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 203 the following new section:

"FEES FOR REGISTRANTS AND APPLICANTS

"SEC. 203A. (a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of registration, supervision, and regulation of investment advisers and their activities. Any such fees shall be collected, and shall be available, only to the extent provided in advance in appropriations Acts. No appropriations Act may authorize fees to be collected under this section during any fiscal year after fiscal year 1995, unless the amount appropriated by such Act for such costs for such fiscal year equals or exceeds the aggregate amount that may reasonably be expected to be collected by such fees. Any such fees shall be deposited as an offsetting collection to the Commission's appropriation and may remain available for such purposes for the succeeding fiscal year. The costs covered by such fees shall be limited to the costs of Commission expenses for registration, examinations, and surveys of persons registered or required to register under this title.

"(b) TIME FOR PAYMENT.—

"(1) NEW REGISTRANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under subsection (c).

"(2) ONGOING REGISTRANTS.—Each investment adviser, the registration of which is effective on the last day of its fiscal year, shall pay the Commission the fee specified in subsection (c). Such payment shall be made not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) COST-BASED SCHEDULE OF FEES.—For any fiscal year for which fees are authorized to be collected by an appropriations Act, the amount of any fees due from investment advisers in accordance with subsection (b) shall be determined according to the following schedule: