

electric service providers, the Commission shall have the authority, by rule, order, or decision, to provide for nondiscriminatory prices, terms and conditions to transmission and distribution services. With respect to distribution services, the Commission shall defer to State authorities with respect to the matter reserved to the States in section 4. The Commission shall also have the authority, by rule, order, or decision, to take the actions necessary to fulfill the obligations imposed on it by this Act.

SEC. 6. FEDERAL TRANSMISSION TARIFF REFORM.

(a) INITIAL TARIFF REFORM.—By January 1, 1999, the Commission shall promulgate and make effective, rules which provide for nondiscriminatory access to transmission and distribution service as provided in this Act and which eliminate the barriers to competitive electric service presented by existing contracts and arrangements—

(1) between and among transmitting utilities governing the pricing, terms, and conditions of access to transmission and distribution facilities; and

(2) between transmitting utilities and any other entities (directly connected to such transmitting utility's transmission system) providing for the sale of power by such transmitting utilities to any other entities.

(b) CONTINUING REFORM.—The Commission shall by rule, order, or decision ensure that the existing electric utilities are not permitted to exercise market power in the sale of electric service. The Commission shall initiate proceedings following enactment, to be concluded on or before January 1, 1999, in order to determine the extent to which existing utilities have market power in the sale of electric services; and to consider and determine the means for mitigating such market power. In making and enforcing such determinations, the Commission shall have the authority to—

(1) restrict the ability of the electric utility, or its affiliates, to sell such services at market-determined rates, provided that such restrictions shall be limited to those areas and services where the electric utility has market power; and

(2) order the divestiture of assets and functions which are the source of market power, to the extent reasonably necessary to mitigate such market power, provided that such divestiture may include a variety of alternatives including outright sale, lease, or output contracts.

SEC. 7. APPLICATION OF PUBLIC UTILITY HOLDING COMPANY ACT AND PUBLIC UTILITY REGULATORY POLICIES ACT.

(a) PUHCA.—The Public Utility Holding Company Act of 1935 shall cease to apply to an electric utility subject to this Act or to any holding company (as defined in such Act) of such utility if each State in which such utility is providing electric energy services—

(1) determines that the retail customers served by such utility and its affiliates have the ability to purchase electric energy services in accordance with the provisions of section 3 of this Act; and

(2) notifies the Commission and the Securities and Exchange Commission of such determination.

(b) PURPA.—The provisions of section 210 of the Public Utility Regulatory Policies Act of 1978 requiring electric utilities to offer to purchase electric energy from qualifying cogeneration facilities and qualifying small power production facilities at the incremental cost to the utility of alternative electric energy shall cease to apply to an electric utility if each State in which such utility is providing electric services—

(1) determines that the retail customers served by such utility have the ability to

purchase electric energy services in accordance with the provisions of section 3 of this Act; and

(2) notifies the Commission of such determination.

Nothing in this subsection shall be construed to affect any obligation under a binding contract to purchase electric energy entered into before the date of enactment of this Act.

SEC. 8. TRANSITION PLANNING.

(a) COMMISSION RECOMMENDATIONS.—Within 3 months of enactment, the Commission shall make a report to Congress providing its plan for effectuating its obligations under this Act, including any potential obstacles it identifies that could inhibit full and reasonably expeditious implementation.

(b) COMMISSION GUIDELINES.—The Commission may publish preliminary, nonbinding guidelines to facilitate timely compliance with this Act by electric utilities. Such guidelines shall be calculated to give notice of the direction and substance of the Commission's implementation of this Act to facilitate orderly transition and timely compliance, but need not be entirely incorporated in the Commission's final rules.

(c) UTILITY COMPLIANCE.—Nothing in this Act shall prevent utilities from submitting filings in advance of final Commission rules, nor prevent the Commission from making determinations on such filings subject to the final rules.

SEC. 9. GENERATING SOURCES FREE TO SERVE CONSUMERS AND RESELLERS.

No Federal, State, or local government authority may—

(1) regulate the pricing, terms, or conditions of service offerings by electric service providers; or

(2) except as provided in this Act, regulate who may engage in selling electric energy.

SEC. 10. APPLICABILITY.

This Act shall apply with respect to electric energy sold for use or resale within the 50 States and the District of Columbia.

SEC. 11. ANTITRUST LAWS.

Nothing in this Act shall be construed to modify, impair, or supersede the applicability of the Sherman Antitrust Act (15 U.S.C. 1 and following) and amendments thereto, the Clayton Act (15 U.S.C. 12 and following), and amendments thereto, regulations promulgated under such laws, and United States court decisions interpreting such laws.

SEC. 12. JUDICIAL REVIEW.

Judicial review of this Act, or any rule or order under this Act, within the meaning of section 551(4) of title 5, United States Code, may be obtained in the United States Court of Appeals for any appropriate circuit pursuant to the provisions of chapter 7 of title 5, United States Code, except that the second sentence of section 705 thereof shall not apply.

SEC. 13. DEFINITIONS.

For purposes of this Act—

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) ELECTRIC SERVICE.—The term "electric service" shall mean the provision or sale of electric energy and related goods and services including but not limited to billing, metering, equipment for monitoring, controlling, or managing the consumption or quality of electric energy, generation of electric energy, ancillary services, and other competitively provided goods and services, but shall not include transmission and distribution service.

(3) TRANSMITTING UTILITY.—The term "transmitting utility" has the meaning given such term in the Federal Power Act, including any Federal power marketing

agency, and any other person, engaged in the business of electric energy transmission.

(4) UTILITY OR ELECTRIC UTILITY.—The terms "utility" and "electric utility" shall mean any entity which, as of the date of enactment, owns assets for the transmission or distribution of electric energy.

(5) TRANSMISSION AND DISTRIBUTION SYSTEM OPERATOR.—The term "transmission and distribution system operator" shall mean the entity or part thereof with responsibility for monitoring, contracting, and operating the transmission and distribution system.

SEC. 14. FEDERAL POWER ACT.

This Act shall supersede any provisions of part II of the Federal Power Act that are inconsistent with the provisions of this Act.

SEC. 15. EFFECTIVE DATE; SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—The provisions of this Act shall take effect 30 days after the date of enactment of this Act, except to the extent expressly provided otherwise in this Act.

(b) EXISTING CONTRACTS.—Nothing in this Act shall alter, diminish, or otherwise affect any rights or obligations under any contract existing as of the date of the enactment of this Act.

SEC. 16. EVALUATION OF EFFECTIVENESS.

Not later than 30 months after the date of the enactment of this Act, the Commission shall conduct, by rule, an evaluation of this Act and submit a report on such evaluation to the Congress. Such evaluation shall include each of the following:

(1) The extent to which electric energy rates have been reduced, and the combined cost of electric energy delivered to consumers, including the transmission costs.

(2) The level of service reliability provided to purchasers of electric energy.

(3) The extent of competition in the electric energy market.

SALUTING THE HONORABLE PATRICIA SCHROEDER OF COLORADO

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. STOKES. Mr. Speaker, I want to thank our colleague, ELEANOR HOLMERS NORTON, for reserving time today to honor a voice of reason, respect, and compassion in the U.S. House of Representatives, PATRICIA SCHROEDER. After 12 terms in this body, Congresswoman SCHROEDER is retiring as the longest serving woman in the House of Representatives. In this time, PATRICIA SCHROEDER has been an effective example of how women can enlighten Congress to bring about much needed reform.

PAT SCHROEDER has been a tremendous asset both to her colleagues in the House and to her constituents in Colorado's First Congressional District. Her commitment to public service and the progress of our country are noble and irrefutable. Her husband, son, and daughter will gain from PAT SCHROEDER's departure, but ultimately it will be the loss of the House.

Congresswoman SCHROEDER, who currently sits on the House Judiciary Committee, has also had a distinctive and prominent history on what was the House Armed Services Committee. Her persistence has led to increased roles and sensitivity for women in our military. As a result of PAT SCHROEDER's leadership, women

are now allowed to fly in combat missions. Further, because of her advocacy against sexual discrimination and sexual harassment, policies and laws preventing such abhorrent acts have been in place in our military ranks and in the workplace. American taxpayers have also benefited from PATRICIA SCHROEDER's opposition to excessive military spending projects such as star wars, the B-2 bomber, and the MX missile system. Her independent streak has also advanced the prospects of peace and respect for human rights.

PAT SCHROEDER is no less the champion of civilian women, as she has tirelessly fought for legislation combating domestic violence, breast cancer, and family and medical leave for mothers. She has also fought vigorously for our environment, which is particularly treasured in a beautiful Rocky Mountain State such as Colorado.

A Harvard law graduate, a lawyer by trade, and a trailblazer by nature, PATRICIA SCHROEDER will continue to change the world. As a result of her arduous work in the House, women everywhere have made greater gains toward the equality and respect they deserve. Our air and water is cleaner. Our precious natural resources are better conserved and natural national treasures safely preserved. And as a result of PATRICIA SCHROEDER's work on House committee, our Nation's judiciary and military are more reasoned. The level of intellect and passion PAT brought to this body will remain her as her legacy, and I wish her well.

TRIBUTE TO CONGRESSMAN CLEO B. FIELDS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. JACKSON-LEE of Texas. Mr. Speaker, I congratulate Congressman CLEO FIELDS for his outstanding service as a Member of Congress. I thank Congressman JESSE JACKSON, JR. for organizing efforts among Members of Congress to recognize Congressman FIELDS for his service to our Nation.

Congressman FIELDS has represented the Fourth Congressional District of Louisiana with distinction since 1993. When he took the oath of office, he became the youngest Member of the 103d Congress. During his tenure in Congress, he has been an energetic and conscientious legislator.

As a member of the House Banking Committee, Congressman FIELDS has introduced legislation concerning GOVERNMENT check cashing, low-cost banking accounts, ATM disclosure, insurance disclosure, and tenant representation on public housing boards. He has also worked tirelessly to maintain the current provisions of the Community Reinvestment Act and the Truth in Lending Act.

Moreover, Congressman FIELDS has used his position on the House Small Business Committee to preserve and strengthen the Small Business Administration's 8(a) Program for minority and women-owned businesses.

Because of his strong interest in education, Congressman FIELDS founded the House Education Caucus, a bipartisan caucus, and served as its first chairman. Furthermore, he has been an active member of the Congressional Black Caucus [CBC] including service

as chairman of the CBC task force on redistricting and the CBC task force on church burnings.

His deep commitment to our Nation's young people is evidenced by his creation of a congressional classroom for elementary and high school students in the Fourth Congressional District of Louisiana. This unique program has enabled students to expand their knowledge of the legislative process through mock legislative sessions and lectures from Members of Congress and members of the President's Cabinet.

I have enjoyed the opportunity to serve in Congress with Congressman FIELDS. I congratulate him for his outstanding public service and offer my best wishes on his retirement from Congress.

IN HONOR OF THE 6TH ANNUAL JAZZ AT DREW LEGACY MUSIC SERIES AND CULTURAL MARKETPLACE'S TRIBUTE OF DIZZY GILLESPIE AND CURTIS MAYFIELD AND THE IMPRESSIONS

HON. JUANITA MILLENDER-MCDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Ms. MILLENDER-MCDONALD. Mr. Speaker, on October 5th and 6th, the Charles R. Drew University of Medicine and Science in Los Angeles will be celebrating its 6th Annual Jazz at Drew Legacy Music Series and Cultural Marketplace. This year, the festival will be honoring several of the best jazz acts in history—Dizzy Gillespie, Curtis Mayfield and the Impressions, H.B. Barnum, Melba Liston, and Al Grey, Sr.

John Birks "Dizzy" Gillespie is widely regarded as an icon of popular jazz music. His style, which came to be known as "bebop", has been emulated by musicians around the world. The ability to compose and arrange pieces combining his style with big band, synthesizing swing, bop and Afro-Cuban music earned him the respect of his famous colleagues, from Charlie "Bird" Parker and Bud Powell to Oscar Pettiford and Thelonius Monk. His collaboration with such artists increased his already astonishing creativity and talent and he was recognized by the State Department in 1956 and appointed as a cultural Ambassador to the United States. He will be recognized posthumously at the Drew festival, as is befitting an artist of his stature.

Curtis Mayfield and the Impressions are yet another example of musicians with the talent that sets them apart from others in their profession. Curtis Mayfield, Fred Cash, and Sam Gooden were three men dedicated to using their craft to positively affect the lives of those who listened to their songs. Their unique ability to lift spirits with their instruments and voices has been rewarded by a large following of fans and musicians alike, and an induction into the Rock 'n Roll Hall of Fame.

H.B. Barnum has been singing and playing the piano from the age of 4, and he has mastered every instrument from tuba to drums. H.B. Barnum is highly recognized as a conductor, composer, producer and director, and his credits include television commercials, award shows, and theatrical productions and

concerts. His work has been performed by artists such as Aretha Franklin, Gladys Knight, Lou Rawls, Diana Ross, Dionne Warwick, Stevie Wonder, B.B. King and Frank Sinatra, just to name a few. Yet despite such a successful career, H.B. Barnum still finds the time to give to his community through activities such as feeding the hungry. He has received more than 1,000 commendations from groups as diverse as local organizations to Presidents of the United States.

Native Angelino Melba Liston has distinguished herself as a performer, writer, arranger and composer for orchestras, big bands, jazz masters and outstanding vocalists for nearly five decades. Some of the most notable include Dizzy Gillespie, Duke Ellington, Count Basie, Cab Calloway, Quincy Jones, Gerald Wilson, Clark Terry, the Boston Pops, Brooklyn Philharmonic, Sarah Vaughn, Aretha Franklin, and Dinah Washington. She leapt over gender discrimination in her field and paved the way for other women to follow. Melba Liston has actively advocated the music profession, establishing the African-American Division of the Jamaica School of Music in 1973 at the invitation of the country's leaders and teaching at Jazzmobile in New York City and at the Pratt Institute Youth In Action Orchestra in Brooklyn. Her numerous commendations include the Universal Jazz Coalition for Outstanding Contributions to Jazz at the Fifth Annual Women's Jazz Festival, the Annual Black Musicians' Conference's Distinguished Achievement Award, and the highest citation at the 1975 Jamaica Jazz Festival.

Al Grey, Sr. is a pre-eminent trombonist, composer, arranger and educator, working with some of the greatest talents in the world, including Dizzy Gillespie, Benny Carter, Count Basie, Lionel Hampton, Jimmy Lunceford, Ella Fitzgerald, Sammy Davis, Jr., Tony Bennett, and Sarah Vaughn, just to name a few. He has played for every elected U.S. President since Franklin Delano Roosevelt, and at the White House for the 40th anniversary of the Newport Jazz Festival, and at the Inaugural Gala of President William Jefferson Clinton. His achievements have been documented by the International Association of Jazz Educators and the Thelonius Monk Institute and is also a clinician for the Clark Terry International Institute of Jazz Studies, the Lionel Hampton School of Music, the University of New Hampshire, East Stroudsburg University, Temple University, and other academic centers.

Mr. Speaker, these fine musicians have exhibited a wonderful talent and a great commitment to their profession. Tribute should be paid to each one for the contribution they have made for the enrichment they have provided to our lives. I look forward to joining Drew University in honoring these deserving artists.

TRIBUTE TO CONGRESSMAN BILL CLINGER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. SHUSTER. Mr. Speaker, I rise today to honor my longtime friend and colleague BILL CLINGER who will be retiring at the end of this year. BILL and I have served together in the