

amendment in the nature of a substitute and an amendment to the title:

S. 762: A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park (Rept. No. 106-91).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 938: A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes (Rept. No. 106-92).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 939: A bill to correct spelling errors in the statutory designations of Hawaiian National Parks (Rept. No. 106-93).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 946: A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center (Rept. No. 106-94).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 955: A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation (Rept. No. 106-95).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1027: A bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes (Rept. No. 106-96).

H.R. 459: A bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project (Rept. No. 106-97).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1287: An original bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes (Rept. No. 106-98).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 441: A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of non-immigrant nurses who will practice in health professional shortage areas.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 768: A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

Gary Allen Feess, of California, to be United States District Judge for the Central District of California, vice James M. Ideman, retired.

Stefan R. Underhill, of Connecticut, to be United States District Judge for the District of Connecticut, vice Peter C. Dorsey, retired.

W. Allen Pepper, Jr. of Mississippi, to be United States District Judge for the Northern District of Mississippi, vice L.T. Senter, Jr., retired.

Karen E. Schreier, of South Dakota, to be United States District Judge for the District of South Dakota, vice Richard H. Battey, retired.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1273. A bill to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS (for himself, Mr. ROTH, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mrs. HUTCHISON, Mr. SANTORUM, Mr. THOMAS, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. INHOFE, and Mr. BUNNING):

S. 1274. A bill to amend the Internal Revenue Code of 1986 to increase the accessibility to and affordability of health care, and for other purposes; to the Committee on Finance.

By Mr. KYL:

S. 1275. A bill to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. CHAFEE, Mr. DASCHLE, Mr. SPECTER, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Ms. LANDRIEU, Mr. REID, Mr. WYDEN, Mr. SARBANES, Mr. KERRY, Mr. INOUE, Mr. LAUTENBERG, Mr. ROBB, Mr. CLELAND, Mr. MOYNIHAN, Mr. SCHUMER, Mr. AKAKA, Mr. DURBIN, Mrs. BOXER, Mr. TORRICELLI, Mr. KERREY, Mr. LEVIN, Mr. FEINGOLD, Mr. BRYAN, Mrs. FEINSTEIN, and Mr. KOHL):

S. 1276. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. CONRAD, Mr. HARKIN, and Mr. ROBB):

S. 1277. A bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics; to the Committee on Finance.

By Mr. FRIST:

S. 1278. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERREY (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 1279. A bill to improve the environmental quality and public use and appreciation of the Missouri River and to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 1280. A bill to terminate the exemption of certain contractors and other entities from civil penalties for violations of nuclear safety requirements under Atomic Energy Act of 1954; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. CLELAND):

S. 1281. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 1282. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. HUTCHINSON:

S. 1283. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. NICKLES:

S. 1284. A bill to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any suppliers; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 1285. A bill to amend section 40102(37) of title 49, United States Code, to modify the definition of the term "public aircraft" to provide for certain law enforcement and emergency response activities; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, and Mr. DURBIN):

S. 1286. A bill to authorize the Attorney General to make grants to local educational agencies to carry out school violence prevention and school safety activities in secondary schools; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 1287. An original bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; to the Committee on Energy and Natural Resources; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Con. Res. 42. A concurrent resolution expressing the sense of the Congress that a

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Keith P. Ellison, of Texas, to be United States District Judge for the Southern District of Texas, vice Norman W. Black, retired.

commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1273. A bill to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL POWER ACT OF AMENDMENTS OF 1999

Mr. BINGAMAN. Mr. President, I rise to introduce the electricity restructuring bill I introduced in the last Congress. I offer the bill today because the Energy and Natural Resources Committee will be holding two legislative hearings next week on the pending electricity restructuring bills, and I want this bill to be included in the discussions. With the exception of two typographical corrections, the text of the bill is identical to S. 1276, which I introduced in the last Congress.

The bill has three principal legislative objectives: (1) clarifying the line between state and federal jurisdiction, (2) strengthening the reliability of the transmission system, and (3) ensuring fair access to the interstate transmission grid. When I introduced the bill in the last Congress it received wide support as the nucleus of the most critical issues that Congress must address in any restructuring legislation.

As many Senators are aware, I am working with the chairman of the Energy and Natural Resources Committee, my good friend Senator MURKOWSKI, on developing a consensus electricity bill that can be marked up and reported to the full Senate. Although I had expected that we would be further along in the process by now, I remain fully committed to following this bipartisan course. My introduction of this bill should not impeded that process.

Much has happened in the electric utility industry since this bill was first drafted nearly two years ago. There are now six approved regional transmission operators, and several more are on the drawing boards. Twenty-two states, including New Mexico, have implemented some form of electric competition and two more may pass legislation this year. And there is now industry-wide consensus on the importance of federal legislation to assure the continued security and reliability of the nation's high-tension transmission grid.

Mr. President, I continue to see a strong need for federal electricity legislation so that states that have elected retail competition can fully enjoy all of the benefits that completion brings. In addition, improvements in federal regulation will streamline wholesale markets in every state. At the same time, I believe Congress should not enact federal legislation

that disrupts existing state laws or that forces unwilling states to restructure.

I also have increasing concern about the mounting cloud of litigation pending in the federal courts that could frustrate the development of healthy wholesale and retail markets. Only Congress can clear up jurisdictional issues and let competitive markets fully develop. Interstate transmission must be a federal responsibility.

Mr. President, I believe we now have a consensus on the core issues that Congress must address. The Energy Committee held an oversight hearing last month on the status of restructuring in the states. There was nearly universal agreement among the witnesses on the need for federal legislation addressing interstate transmission and federal-state jurisdiction.

I look forward to the legislative hearings next week on this and other bills and to reporting bi-partisan electricity legislation that can pass the Senate this year.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1273

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Power Act Amendments of 1999".

SEC. 2. CLARIFICATION OF JURISDICTION.

(a) DECLARATION OF POLICY.—Section 201(a) of the Federal Power Act (16 U.S.C. 824(a)) is amended by—

(1) inserting after "transmission of electric energy in interstate commerce" the following: ", including the unbundled transmission of electric energy sold at retail,"; and

(2) striking "such Federal regulation, however, to extend only to those matters which are not subject to regulation by the States." and inserting the following: "such Federal regulation shall not extend, however, to the bundled retail sale of electric energy or to unbundled local distribution service, which are subject to regulation by the States.".

(b) APPLICATION OF PART.—Section 201(b) of the Federal Power Act (16 U.S.C. 824(b)(1)) is amended by—

(1) inserting after "the transmission of electric energy in interstate commerce" the following: ", including the unbundled transmission of electric energy sold at retail,"; and

(2) adding at the end the following:

"(3) The Commission, after consulting with the appropriate State regulatory authorities, shall determine, by rule or order, which facilities used for the transmission and delivery of electric energy are used for transmission in interstate commerce subject to the jurisdiction of the Commission under this Part, and which are used for local distribution subject to State jurisdiction.".

(c) DEFINITION OF INTERSTATE COMMERCE.—Section 201(c) of the Federal Power Act (16 U.S.C. 824(c)) is amended by inserting after "outside thereof" the following: "(including consumption in a foreign country)".

(d) DEFINITIONS OF TYPES OF SALES.—Section 201(d) of the Federal Power Act (16 U.S.C. 824(d)) is amended by—

(1) inserting "(1) after the subsection designation;

(2) adding at the end the following:

"(2) The term 'bundled retail sale of electric energy' means the sale of electric energy to an ultimate consumer in which the generation and transmission service are not sold separately.

"(3) The term 'unbundled local distribution service' means the delivery of electric energy to an ultimate consumer if—

"(A) the electric energy and the service of delivering it are sold separately, and

"(B) the delivery uses facilities for local distribution as determined by the Commission under subsection (b)(3).

"(4) The term 'unbundled transmission of electric energy sold at retail' means the transmission of electric energy to an ultimate consumer if—

"(A) the electric energy and the service of transmitting it are sold separately, and

"(B) the transmission uses facilities for transmission in interstate commerce as determined by the Commission under subsection (b)(3)."

(e) DEFINITIONS OF PUBLIC UTILITY.—Section 201 of the Federal Power Act (16 U.S.C. 824) is amended by striking subsection (e) and inserting the following:

"(e) The term 'public utility' when used in this Part or in the Part next following means—

"(1) any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part (other than facilities subject to such jurisdiction solely by reason of section 210, 211, or 212); or

"(2) any electric utility or Federal power marketing agency not otherwise subject to the jurisdiction of the Commission under this Part, including—

"(A) the Tennessee Valley Authority,

"(B) a Federal power marketing agency,

"(C) a State or any political subdivision of a State, or any agency, authority, or instrumentality of a State or political subdivision,

"(D) a corporation or association that has ever received a loan for the purpose of providing electric service from the Administrator of the Rural Electrification Administration or the Rural Utilities Service under the Rural Electrification Act of 1936; or

"(E) any corporation or association which is wholly owned, directly or indirectly, by any one or more of the foregoing,

but only with respect to determining, fixing, and otherwise regulating the rates, terms, and conditions for the transmission of electric energy under this Part (including sections 217, 218, and 219)."

(f) APPLICATION OF PART TO GOVERNMENT UTILITIES.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by striking "No provision" and inserting "Except as provided in subsection (e)(2) and section 3(23), no provision".

(g) DEFINITION OF TRANSMITTING UTILITY.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by striking paragraph (23) and inserting the following:

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any electric utility, qualifying cogeneration facility, qualifying small power production facility, Federal power marketing agency, or any public utility, as defined in section 201(e)(2), that owns or operates electric power transmission facilities which are used for the sale of electric energy."

SEC. 3. FEDERAL WHEELING AUTHORITY.

(a) COMMISSION AUTHORITY TO ORDER RETAIL WHEELING.—

(1) Section 211(a) of the Federal Power Act (16 U.S.C. 824j(a)) is amended by striking "for resale".

(2) Section 212(a) of the Federal Power Act (16 U.S.C. 824k(a)) is amended by striking