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Citation: 6 Bernard D. Reams Jr. & William H. Manz Federal Law A Legislative History of the Telecommunications of 1996 Pub. L. No. 104-104 110 Stat. 56 1996 the Communications Decency Act S3523 1997

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(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—A grantee under this Act shall make available non-Federal contributions toward the cost of carrying out the program established, operated, or expanded with amounts received under the grant in an amount equal to at least 20 percent of the amount of funds provided under the grant.

(2) IN KIND CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1) may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 10. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other local public funds expended to provide services for individuals eligible to participate in a program under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $20,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.

By Mr. RIEGLE:

S. 635. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AMENDING THE PUBLIC UTILITY HOLDING COMPANY ACT

• Mr. RIEGLE. Mr. President, 2 weeks ago, Senator DALE BUMPERS introduced S. 544, the Multistate Utility Company Consumer Protection Act of 1993. As introduced, S. 544 contains just two sections. Section 1 of S. 544 states the bill's title. Section 2 would amend the Federal Power Act to overturn the decision of the U.S. Court of Appeals for the District of Columbia in Arcadia versus Ohio Power. This modest bill was referred to the Energy Committee.

Senator BUMPERS intends to do much more than overturn Ohio Power, however. His statement at page S. 2640 in the CONGRESSIONAL RECORD of March 10, 1993 reveals he wants a complete transfer of jurisdiction of a significant consumer and investor protection statute, the Public Utility Holding Company Act of 1935 [PUHCA], from the Securities and Exchange Commission [SEC] to the Federal Energy Regulatory Commission.

The statutory language that would effect this major change is not contained in S. 544. If you obtain a copy of S. 544 from the Senate Document Room, you will find just the two sections I described. The other provisions are contained in a four-section amendment that accompanied the two-section bill to the Energy Committee. If you look at the CONGRESSIONAL RECORD for March 10, you will find not two but six sections.

Today I am introducing Senator BUMPERS' bill, in its entirety, to demonstrate that the Senate Banking Committee has jurisdiction over this issue. The Banking Committee has jurisdiction over the SEC and the Federal securities laws, including PUHCA. The Parliamentarian has referred the bill to the Banking Committee.

THE PUBLIC UTILITY HOLDING COMPANY ACT

In the 1920's, holding companies began purchasing electric and gas utilities across the country. By the early 1930's, just a few large holding company systems controlled the lion's share of interstate transmission of electricity and of gas pipeline mileage.

PUHCA was enacted in 1935 as part of the New Deal of President Franklin D. Roosevelt. The law was adopted to protect investors and prevent abuses by holding companies. Through their corporate structure, holding companies were able to issue speculative securities without State approval and based on fraudulent asset values. The holding company structure enabled utilities to avoid regulation by the States. Holding companies were also engaging in self-interested transactions with subsidiaries and affiliates, to the detriment of utility customers.

PUHCA addressed these problems by subjecting certain interstate utility holding companies to Federal regulation by the SEC. Holding companies must register with the SEC unless they qualify for an exemption. PUHCA restricts each holding company to a single geographically integrated utility system with a simple capital structure. The SEC must approve acquisitions of securities or utilities by registered holding companies.

By virtue of its jurisdiction over the SEC, the Banking Committee has jurisdiction over PUHCA. In the early 1980's, the Reagan administration sought to have PUHCA repealed. The Banking Committee opposed this proposal, feeling that PUHCA continued to serve a meaningful consumer protection function.

PUHCA has been amended over the years, most recently by the Energy Policy Act of 1992. I opposed early versions of that legislation, because I felt they did not adequately protect consumers. Working with the Energy Committee, the Banking Committee drafted significant amendments to PUHCA that maintain consumer and investor protections.

PUHCA successfully reshaped the structure of the public utility industry, fostering stability and financial integrity. As of February 1993, just 12 utility holding companies were registered with the SEC under PUHCA.

BUMPERS BILL MUST BE REFERRED TO BANKING COMMITTEE

As a general rule, legislation to transfer enforcement jurisdiction under a statute is referred to the Committee that currently has jurisdiction, not the Committee that would exercise jurisdiction should the legislation be enacted. For example, in the 101st Congress S. 2814 would have amended the Commodity Exchange Act to transfer regulation of stock index futures from the Commodities Futures Trading Commission to the SEC. That bill was sent to the Agriculture Committee, which has jurisdiction over the CFTC and the Commodity Exchange Act.

By the same token, a bill to transfer enforcement of PUHCA from the SEC must come to the Banking Committee, which has jurisdiction over the SEC, PUHCA and all Federal securities laws. To prove this point, I am introducing Senator BUMPERS' bill exactly as it appeared in the CONGRESSIONAL RECORD—not just the first two sections, but the entire six sections.

The Senate Rules delineate the jurisdictions of the various committees for one purpose: to allow the Senate to operate more efficiently. The Parliamentarian has ruled the bill must be referred to the Banking Committee. Senator BUMPERS and the members of the Energy Committee should recognize the Banking Committee's jurisdiction over any legislation amending PUHCA.•

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. HARKIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. ROBB, Mr. WELLSTONE, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD):

S. 636. A bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Mr. KENNEDY. Mr. President, today we are introducing legislation to protect women, physicians, and other health personnel, and public and private health clinics, from opponents of abortion who resort to violence, blockades, and other vigilante tactics.

Federal action is clearly needed to deal with the ongoing wave of violence aimed at clinics across the country where abortions are performed, and at the medical personnel who work there. These violent tactics have included assault and murder, bombings and bomb threats, arson, clinic blockades, invasions and occupations of clinics, and other reprehensible forms of intimidation and vandalism.

The Supreme Court's ruling in the Bray case last January makes clear that existing Federal laws are inadequate to deal with this challenge. This legislation is designed to fill that gap and provide effective remedies for women, physicians, nurses, and communities across the country.

The murder of Doctor Gunn at the clinic in Pensacola, FL, is the latest tragic result of these extremist tactics, but it is far from an isolated attack. Over 100 clinics have been torched or bombed in the past 15 years. Over 300 have been invaded and over 400 have been vandalized. Already this year, clinics have sustained more than $1.3 million in damage from arson alone.

The killing of Doctor Gunn was a shocking murder of a physician who was assisting women in the lawful exercise of their constitutional right to

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