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No. 9

House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 17, 1995.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING] for 5 minutes.

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)

MAJOR LEAGUE BASEBALL

Mr. BUNNING. Mr. Speaker, last week, the owners of major league baseball visited Capitol Hill to urge Members of Congress to leave their exemption from the antitrust laws alone.

Many of you may also have seen a letter which went out last week from Acting Major League Baseball Commissioner Bud Selig, which outlined a number of reasons that he felt vindicated the existence of the antitrust exemption.

I thought it was time that you heard the other side of the story.

Mr. Selig, in his letter, insisted that major league baseball does not operate as an economic cartel.

That is wrong. Major league baseball operates as a cartel in classic monopoly fashion. The owners, not market forces, dictate how the supply of its product will be allocated. The antitrust exemption shields major league baseball from market forces and makes competition impossible. That sounds like a monopoly to me.

Mr. Selig also insists that repeal of the antitrust exemption would not end the baseball strike. Wrong again. All signs point the other way. Don Fehr, the head of the Major League Baseball Players Association, has publicly stated many times that if the exemption were repealed, he would strongly urge the players to end the strike.

Mr. Selig insisted that the players should agree to a salary cap because it is good and because it has worked for football and basketball.

Wrong yet again. Football and basketball do have salary caps, but those caps were negotiated through the collective bargaining process. The baseball owners want to impose the cap unilaterally.

Baseball has a problem because the owners have been unable to reach agreement on how to share revenues between small market teams and large market teams.

But, instead of hammering out an agreement, they are now trying to arbitrarily impose a salary cap on the players to force the players to solve the owners' problem for them.

Mr. Selig said that the antitrust exemption has not hurt the players. That is as wrong as wrong can be. I know it is hard to feel sorry for baseball players with median salaries of half a mil-

lion dollars. And it is also true that the baseball players union has been very effective in the past several decades and has been able to win—through collective bargaining—some of the rights that other American workers have been guaranteed by law.

But the antitrust exemption does hurt players. It is a constant threat hanging over their heads. The owners know—that because of the exemption—that if they are able to break the union, the players have no place to turn.

Mr. Selig, in his letter, insisted that repealing the exemption would hurt baseball, fans, and communities that have franchises.

He is wrong again. The other major professional sports do not have an antitrust exemption but franchise movement has been slight.

After eight work stoppages in the last 24 years, and the current strike that has destroyed one season and threatens another, it is hard to imagine anyone suggesting that the antitrust exemption is good for the fans.

And then Mr. Selig dredged up the old trusty line that repealing and antitrust exemption would destroy the minor leagues.

This is a very effective line because minor league teams are scattered around the country and touch the lives and economies of small towns throughout the Nation.

But the plain truth of the matter is major league baseball has to have the minor leagues. It traditionally takes longer to develop professional baseball players than football or basketball players.

If the minor leagues were done away with, the decline in quality would be devastating to the integrity of the game and destroy baseball. The owners are smart enough not to jeopardize their investments in their teams by letting that happen.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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The minor leagues are indispensable to the future of major league baseball. Repeal of the exemption does not threaten them in any way. That's a smoke screen.

Through it all, I can understand where Mr. Selig is coming from.

Major league baseball has to have this exemption removed for the good of the fans, the game, and anybody else that wants a season in 1995.

THE LEGISLATIVE SEASON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, the gentleman before me spoke about the baseball season. I want to speak some about the legislative season. It has had its opening day and now goes into the first games of the season. The first game, obviously, being this Thursday and Friday as I understand it, the unfunded mandates bill that will be on the floor of the House.

I have no problems with voting on this issue. I have no problems with voting on any of the issues that are in the so-called Contract With America that the Republican Party is bringing forth. Indeed, I think that the debate is wholesome and worthwhile to have on many of these issues.

To debate though means debate. It means having the opportunity. It means being able to play, using the baseball analogy, it means being able to play a full nine innings. But what does not help this House is when you go immediately from the opening ball to the ninth inning. That is what is happening in the unfunded mandates bill. That is my concern about what is happening with the important balanced budget amendment and others. Let me explain.

As a member of the Committee on Government Reform and Oversight, which has the unfunded mandates bill, I had the chance to participate last week in an extraordinary process, a process by which the committee, which had not met previously, suddenly comes into session in its opening session, which is traditionally known as its organizing meeting, that is where you go through the amenities and announce who is on what committee, and then launched from the point into taking up the unfunded mandates bill without a hearing, without a hearing. That is right. A bill which is going to rewrite the relationship between Federal, State, and local governments and, indeed, in some cases the private sector was taken up without a hearing.

There was a hearing of sorts. The gentleman from the Republican side was permitted, who is not a member of the committee but is a sponsor of the bill, was permitted to address the committee for a number of minutes about

the reasons he thought it was a good bill, describing what was in it. Our side was not permitted to ask questions. Our side was not permitted to offer its own witness, if such be the case, if that be a proper description of what the gentleman testifying was doing.

We were told it was not a hearing. But at the same time we could not bring our folks in. At that point then we asked about the, whether we would have the opportunity to ask questions throughout. We would, except then we learned subsequently every amendment was limited to 5 minutes for the proponents, 5 minutes for the opponents.

It did not stop there. As we were going through the bill, looking forward to offering some amendments at certain parts, certain sections, some of those sections were removed from our committee's jurisdiction. It probably was the most extraordinary procedure that I have seen.

I have great respect for the Chair of our committee, who is known on both sides of the aisle for being eminently fair. I have great respect for our committee, because our committee, I believe, in the past has worked on a bipartisan basis. I have been assured that this is not going to be the usual run of business. Yet it sets a very disturbing tone.

Could there not have been a hearing, 1 day? We have been several days now waiting to get this bill to the floor. We are going to be here until Thursday and then take the bill and the rule up Thursday, as I understand it, and begin the amendment process on Friday. Could there not have been a 1 day's delay so that there could have been a hearing so the proponents and opponents could have had their chance? One of things, for instance, that concerns me is what happens to coal mine safety laws? I am told, "Don't worry, Bob, they won't be affected, particularly those that are passed before this bill becomes law." Well, perhaps.

What happens to occupational safety and health? What happens to regulation of banking industry and the financial industries? What happens to all of this important area?

So that is why I think it would have been wise and appropriate to at least hold a hearing. Balanced budget amendment will come up, amendments were cut off by 6 the previous, in the committee markup then. And so I hope and urge the Republican majority to recognize the importance of the procedure here.

We want to, we all want to play in this baseball game, but we want to make sure there are equal times at bat, equal opportunities to pitch, equal opportunities to fully participate in this game and that we do not run, go immediately from opening pitch to the ninth inning and then the game is called.

So if the American people are going to truly have faith in this process, and in this contract, which the majority

has vowed to have voted on by the 100 days, then it must know that there has been a full process there.

As far as the unfunded mandates bill, I have no problem with requiring that there be an analysis of what the cost is to State and local governments. I have no problem with greater consideration being given to those issues. I have no problem with saying that Congress, before you pass something onto somebody else, every one ought to know how much it costs and be able to evaluate.

What I do have a problem with is where we have an opportunity to participate fully and to explore this bill.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 9 o'clock and 43 minutes a.m.) the House stood in recess until 11 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are grateful, O loving God, that we are surrounded by others who support us in our worries, who celebrate with us in our victories, and whose presence is ever with us. At our best moments we acknowledge that we do not walk alone or possess all the strengths or energy or courage to face the opportunities and the challenges of each day. With appreciation and with thanksgiving, we remember those whose lives are bound with ours and whose grace is ever with us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Nebraska [Mr. CHRISTENSEN] will lead the House in the Pledge of Allegiance.

Mr. CHRISTENSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.