

(b) **MEMBERSHIP:** The committee chairman shall select members of the subcommittees, after consulting with the ranking minority member.

**RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS**

(a) **ENVIRONMENTAL IMPACT STATEMENTS:** No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) **PROJECT APPROVALS**

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) **BUILDING PROSPECTUSES**

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted. A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) **NAMING PUBLIC FACILITIES:** The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

**RULE 8. AMENDING THE RULES**

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

**CONCLUSION OF MORNING BUSINESS**

The PRESIDING OFFICER (Mr. BENNETT). The time for morning business has expired.

**UNFUNDED MANDATE REFORM ACT**

The PRESIDING OFFICER. The clerk will report the pending business. The legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment No. 11, beginning on page 25, line 11, pertaining to committee jurisdiction.

The PRESIDING OFFICER. We now return to the pending question, which is the committee amendment on page 25, line 11.

Who seeks recognition?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, for the past week, the U.S. Senate has renewed debate on the issue of unfunded Federal mandates. Senate bill 1, which curbs unfunded Federal mandates, is a fundamental change in the way we do business in the Congress and it is a fundamental change in our relationship with State and local governments.

As I mentioned when I introduced S.1, Congress has gotten away from the fundamentals as envisioned by our Founding Fathers. We shouldn't be here to dictate to the States. We are to be here on behalf of our States—representing and protecting the interests of each sovereign State.

Mr. President, each of the States, and more than 87,000 other municipalities are anxiously and carefully following this debate on unfunded mandates and more importantly, the 10th amendment, as it unfolds here on the floor of the Senate.

But they're not just watching the debate; they are following our lead. In my home State of Idaho, the State legislature is ready to address the issue of unfunded State mandates. Our new Governor, Phil Batt, pledged to stem the flow of unfunded mandates from the State onto Idaho's cities and counties.

Legislation has now been introduced to do just that, and this afternoon, Mr. President, the Idaho State Senate's

Local Government and Taxation Committee will hold its first hearing on Senate bill 1003, Idaho's Community Regulatory Relief Act introduced by State Senator Rod Beck.

Governor Batt and Senator Beck should be applauded for recognizing that we not only must improve the partnership between Federal and State governments, but also between State and local governments.

Mr. President, I would also add that this morning, the Idaho State Senate passed a joint memorial—Senate Joint Memorial No. 102—similar to resolutions and memorials passed by several other States which calls on the Federal Government to observe the 10th amendment to the Constitution and to ended mandates that are beyond the scope of its constitutionally delegated powers. Our distinguished majority leader, Senator DOLE, has pledged to help this body remember the 10th amendment, and each week the Senate is in session he will insert the 10th amendment into the CONGRESSIONAL RECORD.

Again, Mr. President, our efforts here in Congress to own up to our responsibilities and to stop shifting our burdens onto States and local government are not going unnoticed. I'm proud to be a part of this great movement to restore trust in this institution, to enhance our partnership with States and local governments, and to see the States establishing similar partnerships with cities and counties.

Mr. President, I ask unanimous consent that following my suggestion that there is an absence of a quorum, I will retain the floor so that we can proceed.

Mrs. BOXER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Is the Senator suggesting the absence of a quorum?

Mr. KEMPTHORNE. Mr. President, yes.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. BOXER. Mr. President, may I make a parliamentary inquiry before the quorum?

The PRESIDING OFFICER. Does the Senator from Idaho withhold his suggestion of the absence of a quorum so that the Senator from California may make a parliamentary inquiry?

Mr. KEMPTHORNE. Yes, I would withhold.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would just like to know exactly where we are because I was intending to offer a second-degree amendment to one of the committee amendments. I wanted to make sure that would still be in order at this point.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Amendments to the committee amendment are in order.

The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Chair.

Mr. President, now that we have both managers on this bill, I would like to proceed and lay out what course of action we would like to follow. What I will be doing is seeking a unanimous-consent agreement so that the pending amendment before us can be laid aside.

The reason that I will make that request is because a motion to table that last night was not successful. During the hours since then, different concerned Senators have been discussing what sort of modifications might be made to that amendment language. Since there has been no agreement at this time, it will be my request that we lay that aside so we can then take up the next pending committee amendment which would be before us. We would dispense with that committee amendment so that we can keep moving. So that is going to be my intent.

Again, as I just confer with the other manager, I would again suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be allowed to make remarks as though in morning business for approximately 10 minutes, and that following his comments I reserve the right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my colleague from Idaho.

#### THE BASEBALL STRIKE

Mr. SPECTER. Mr. President, I have sought recognition while there is a lull in the action on the pending legislation to talk for a few minutes about the pending issues before the Judiciary Committee on possible legislation regarding the antitrust exception which might have an impact on the current baseball strike.

I believe that it is highly unlikely—virtually impossible—for the Congress of the United States to act on an antitrust exemption to have any meaningful impact on the pending strike and, therefore, urge in the strongest possible terms that both parties return to the negotiating table to work in a collective bargaining sense to end the strike and bring baseball to the playing field this spring.

I have had long reservations about the antitrust exemption as it applies to baseball, as it applies to other major sports, like football, which has an anti-

trust exemption for revenue sharing, and participated more than a decade ago, in 1982, in extensive hearings when the Los Angeles Raiders, then the Oakland Raiders, were proposing a move. And those hearings were very important and raised some of the same considerations which are now pending on the baseball strike.

As we have moved forward in the consideration of the complex issues on the antitrust exemption, my view has been to retain the exemption as it impacts on the Pirates, which are a major factor in Pittsburgh, and a major constituent interest of mine. If we eliminate the antitrust exemption, we will have bedlam with respect to franchise changes. I notice my colleague Senator GORTON nodding in agreement because of the impact on the Seattle baseball team.

One thing is certain, Mr. President, and that is that it is highly unlikely, I am almost certain, that Congress is going to act with any speed, and I think that Congress should not act, should not get involved in the midst of a labor dispute, where there are very, very serious issues, to try to affect the outcome of that labor dispute. At the present time, the Judiciary Committee is totally involved in the consideration of the constitutional amendment for a balanced budget. And on the Senate floor we are involved in very complex legislation on taking away mandates by the Federal Government which are not paid for. There is a very, very heavy agenda on economic issues, budget issues, trying to reduce the size of Government, trying to reduce spending, and the consideration of tax cuts, so that far behind on the back burner is this issue of changing the antitrust exemption.

My comments this morning are prompted, in part, by this banner headline in the Philadelphia Inquirer this morning: "Phillies President Blasts Union, Hinting at Player Defections."

Bill Giles is president of the Philadelphia Phillies, and he is a very, very mild-mannered man. I cannot remember a headline on Bill Giles speaking out in such emphatic terms. What he is saying bears directly on my comments, where he makes the statement that "The union has spent most of their energy in Washington trying to do away with our antitrust exemption instead of negotiating and trying to grow the game."

I have been in frequent contact with Mr. Don Fehr, head of the union, asking him what help I could be or what help the Senate could be in a constructive way in trying to bring the strike to a close. I first made that contact with Mr. Fehr last summer before the strike started on August 12. And at the same time period, I talked to the acting commissioner, Bud Selig, and the officials of both the Philadelphia Phillies and Pittsburgh Pirates, my two home State teams, to see what help we could be. The antitrust exemption came up briefly last fall on the Judiciary Committee calendar, and it was voted down, I think, largely because of

a sense that the Congress and the Senate should not get involved in a pending labor dispute. The issue in Pittsburgh is especially touchy at the present time because the Pittsburgh Pirates are up for sale, and the Pirates have been kept in Pittsburgh by a consortium of hometown business people who have bought the Pirates, to keep it in Pittsburgh. That is a difficult matter because the Pirates are losing so much money, which is a source of the controversy today which has led to the strike. The Pirates have had a prospective buyer, John Rigas, of Coudersport, PA. I have been trying to be helpful in meeting with officials of the Pittsburgh Pirates to see if that sale could be effectuated. That sale is going to be held up because of the uncertainty of what is going to happen in the strike and to the antitrust exemption.

Obviously, I speak as only one Senator, one member of the Judiciary Committee. I think that given the complexity of the Judiciary Committee calendar, and given the complexity of the Senate calendar, and the complexity of the House calendar, it is as close to a certainty as anything can be that there is not going to be legislation coming out of the Congress between now and April on the antitrust exemption. There are too many things ahead of it. If it did come to the floor, I think many would agree with my position that the Congress ought not to intervene to try to alter—ought not to change the level playing field. That is an expression we use very frequently about our debates on many subjects, but it is certainly applicable not to change the level playing field when we talk to the baseball effort.

What the Phillies' president has had to say on one end of my State, and what is happening with the Pirates at the other end of my State, trying to sell the team to keep it in Pittsburgh, I hope that the parties will go back to the bargaining table and will settle the dispute so that we can have baseball this spring, and not to look to the Congress to try to intervene, which is not our place and is so highly unlikely on the current state of the record. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNFUNDED MANDATE REFORM ACT

##### AMENDMENT NO. 31

(Purpose: To prevent the adoption of certain national history standards)

Mr. GORTON. Mr. President, I have an amendment at the desk and I ask that it be read.