

Agency, and the Agency for International Development, and for other purposes; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. GORTON):

S. 1439. A bill to require the consideration of certain criteria in decisions to relocate professional sports teams, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FANS RIGHTS ACT OF 1995

Mr. GLENN. Mr. President, I want to address the situation we face in professional sports at the moment. What I am introducing today is a bill we call the Fans Rights Act. I believe we truly are at a crossroads in professional sports. When we talk about professional sports and introducing legislation, obviously the first question is why on Earth do we want to get the Government involved in professional sports? Keep our mitts out of that area. Stay away from it. We have no business getting into the area of professional sports.

Yet, I would say that we are into a situation now that I think is very important. I think it is important for the country. It does involve professional sports. Why get Government involved? Professional sports, the way they are organized, do have to come to Government for antitrust exemptions and for permission to use broadcast money for various purposes and spread across interstate—a whole host of things where Government does, indeed, get involved.

Beyond that, Americans are sports minded. Part of the fabric of the daily life of the United States is looking at the ball scores, looking at the scores on the weekends, and watching the professional sports teams operate. I think Senator SPECTER, at a hearing we had yesterday, put it well when he said, "America has a love affair with professional sports." Indeed we do have a love affair with professional sports. We even have sports idols, of course, that are the role models for many of our young people. It goes into the whole fabric of this country. I will not belabor that idea any further.

The shock waves of the Cleveland Browns' proposed move to Baltimore extend far beyond just the State of Ohio. Every community with a professional sports team needs to know this: Any city in America can fall victim to a bidding war in which the interests of loyal fans and communities are given very little consideration.

Quite simply, if it can happen in Cleveland, where loyal fans supported the Browns through thick and thin, then, Mr. President, it can happen anywhere. Other communities may have been willing to grin and bear it, but in Cleveland, we are drawing a line in the sand and we are here to say that enough is enough.

The new economics of sports is a zero sum game in which teams seem to bounce around the country and taxpayers too often are left holding the bag.

Unfortunately, professional sports leagues, like the NFL, actually have little ability to regulate the movement of their own member teams. They cannot enforce their own bylaws that franchise holders agree to when they become members of the league. There is no process involved to allow a community to have any protection or input before such moves. A team simply picks up and goes, leaving behind fans, businesses, and a community that has invested vast emotional and financial support.

Judging by the barrage of reports during football games each Sunday on nightly hockey broadcasts or in the sports pages each day, it would seem to lead us to believe that almost half of America's sports franchises are looking for greener pastures.

Let me run through just a few of the things being considered right now.

In Texas, the Houston Oilers have announced they are moving to Nashville. In Florida, the Tampa Bay Buccaneers are rumored to be moving up to Orlando. The Chicago Bears are considering an offer to move over the border to Gary, IN.

If that is not confusing enough, this past weekend various NFL commentators reported that:

The Buccaneers will end up in Cleveland with the Browns' name;

The Buccaneers will end up in Baltimore and the Browns will be sold;

The Oilers transfer is not a done deal; and

Both the Seattle Seahawks and Arizona Cardinals are talking about relocating to Los Angeles, which lost both its teams in moves before this season.

Does anyone find it ironic that the Cardinals are talking about relocating to Los Angeles to replace the Rams who moved to St. Louis to replace the Cardinals after they moved to Phoenix?

No wonder the sports fans find it tough to even follow those moves. These are the people we are concerned about, not just those in the skyboxes. We are talking about the average American whose family has supported a franchise through season tickets, parking fees, T-shirts, and paraphernalia through concessions for decades and decades and decades, because it is those people who are the true fabric of American sports.

It is those people who are truly hurt when a flagship team like the Browns threatens to leave town.

We are here today to say that it is time to give a voice to the fans of America. That is what the Fans Right Act we are introducing today is all about.

I think the league knows they have a basic problem. We have talked to Commissioner Tagliabue about this, and actually the league does not have control over where these franchises go even

though their own bylaws say that a vote of the league owners will determine where the teams go.

The problem has been that a few years back one of the owners decided to move anyway, even though the league had voted against him, on a move of the Oakland Raiders to Los Angeles, in effect thumbing his nose at the league when they voted that he could not move. He was taken to court. The league lost, and there was about a \$50 million penalty assessed against the league, even though their own bylaws that the owner had agreed to said that the league could control the move.

That is the situation we find ourselves in.

Let me hasten to add that this is not an antiowners bill in any way, shape, or form. It does not prohibit the owners from making money. It does not limit the amount of money they can make. It does not stop them from cutting the best deals they can with their host cities. It does not even bar them from moving their teams to the other locations if there are good reasons for doing so. But it does require them to play by the rules that they themselves set and vote upon. It lets the league have the final say whether a transfer will be made or will not be made. Right now the league does not have that authority because it has been taken to court and shown that they did not have it.

I realize that professional football, like all big league sports, is a business. It is a big business. But a business is comprised of its owners, its workers, and its customers. Team owners have rights. They do not hesitate to enforce them. Team players have rights, and they do not hesitate to enforce them either. The third part of that is I believe the team customers—the fans—have some rights also, and that is what this addresses.

I say it is time that we help them enforce those rights—not just in Cleveland but all across this great country. If it were just one move, well, all right. I would doubt that would be the subject of any legislation here on the floor of the Senate. But, as I indicated earlier, this has become a basic problem in professional sports, and we are trying to address that problem.

So while we recognize that professional sports franchises are clearly business and we must consider profit, we also believe Congress should take a number of steps to, in effect, help the league in its ability to control the destiny of the league. That is a power they do not now have. It gives them the power to increase stability and ultimately preserve the integrity of professional sports.

Let me turn to some of the details. We accomplish the first by providing sports leagues with a very narrow, limited exemption to antitrust laws if the league has voted to block a move. Let me read that again. We accomplish it by providing sports leagues with a very limited antitrust exemption if the

league has voted to block a move. This exemption would say that if the league prevails, they could not be taken to court in a situation like that. And the exemption would shield sports leagues from the likes of the \$50 million antitrust lawsuit that we saw the Raiders win in the 1980's and from the types of lawsuits the NFL is currently fighting in court. What we are trying to do is let them run their own business but do it fairly.

Yesterday, at a hearing before the Judiciary Committee, Commissioner Tagliabue asked for such an exemption so that the NFL could enforce its own bylaws. I discussed this with him in my office several weeks ago when I had written him a letter and told him what I was thinking about doing and the proposal we were about to make.

So today we propose that Congress give the NFL and other sports leagues the legal ability to block the move of a team if they think it is not in the best interest of their sport. By law, we will require that these leagues abide by their own bylaws, which currently take into account fan loyalty and community support, their own bylaws that some owners see fit to not go along with even though they have agreed to those bylaws when they accepted the franchise in the league.

Second, our legislation would also require that teams give communities at least 6 months' notice before a relocation can occur. This would allow communities facing a team relocation the opportunity to put together bona fide offers to purchase the team or induce it to stay. The sports league would be required to take these efforts into consideration as it considers a team relocation. And it would require a hearing so that people like Mayor Mike White in Cleveland and Art Modell, the owner of the Browns, could sit down together, with Cleveland and the Nation watching, and publicly discuss whether it is such a great idea for the Browns to leave Cleveland and what the reasons are for leaving.

Third, our bill has a fair play clause. It says to owners thinking about moving their teams that no longer can they give a so-called relocation fee to the league, which I understand may be even distributed to the other owners before their vote, before the league votes on whether or not they should relocate.

This is something Mayor White has talked a lot about, and my colleague, Senator MIKE DEWINE, made a strong case for it in yesterday's hearings and at a press conference we had this morning. I know he will make his own statement on that shortly. He is on the floor now. But there are two things you can say about it. First, it is just plain fair, and it makes sense to put that kind of a limitation, a fair play clause, in there.

This bill sends a very clear message to the league and to the owners. "We are giving you the tools that you yourselves have said you need to put your house in order. We are giving you au-

thority to enforce your own bylaws that you all agree to and say you will play by. Congress does not want to run your business." I do not want to be involved in running the business out there.

I think this legislation is much needed so that it can bring some order to what is a rather chaotic situation in the league now. I hope that this will be looked at very, very carefully at the January 17 meeting of the league in Dallas, which I believe is their current schedule.

I believe this legislation, simple though it is, can fix the problem. It can fix the problem. Make no mistake, there are far harsher proposals out there that Congress may be inclined to consider. I know the distinguished Senator from Washington, who is in the chair right now and is the Presiding Officer of the Senate, has proposed some legislation in the past and has had experience with this in his home State in getting a team to stay and in setting up conditions that go along some of this same line. I know he feels that programs do not go far enough in what we are proposing here and has said so publicly this morning. So I am not telling tales that were private conversations of a day or two back.

All I am pointing out is that there are harsher proposals out there. I do not want to see Congress forced to take these harsher steps, these tough steps. I would rather see the league take this authority we are giving them now and act on it, control their own league, and get on with the business of making sure that everything is very fair.

Baseball has its own set of problems, of course, and there have been proposals in the past to take the antitrust exemption away from baseball. But the one thing to say about baseball is they have had authority to keep teams where they were and to not just float teams around willy-nilly, all over the United States.

I was told this morning that it has been 24 years since a major league baseball team moved, that the new teams we have in the league are expansion teams. I have not checked that out, but I guess that is correct. It indicates that if you have authority to go ahead and run the league and to pass on the franchises and where they will be, there can be some stability.

I will be introducing separate legislation which would allow a community to keep the team name in the event of a relocation. That will not be part of this legislation I have just submitted today. But the team name in the event of a relocation would remain, and the community could waive this right if it wishes to do so. I am working with Congressman HOKE in the House and Senator DEWINE on that bill, and it will be introduced separately at a later date.

I cannot think of any football team or any sports team for that matter that has enjoyed more loyal and fervent support from its community than the Cleveland Browns. Week in and

week out, whether their record might be 13 and 3, or 3 and 13, just the opposite, over 70,000 fans regularly pack Cleveland Municipal Stadium to show their support to the Browns.

At the hearing we had yesterday, Senator THURMOND, who was chairing the hearing, talked about how in his home State of South Carolina there is a loyal band of Cleveland fans, "dawgs" as we call them around Cleveland, as they call themselves, and the "dawg pound," as they call the area where this particular group always sits in Cleveland Stadium, and Senator THURMOND said they have 800 South Carolinians who are loyal Cleveland fans and meet every time there is a Cleveland game. I told him then I had not been aware that we have a remote dawg pound, as we call it in Cleveland, down in South Carolina.

I relate that only to indicate the loyalty of Cleveland fans all over the country. So this move cannot take place because anyone thinks there has been a lack of fan support or lack of fan interest in the Cleveland area.

Mr. President, with this legislation, we say to fans in Cleveland and across the country, any sport that boasts it is played in America and made in America, as football has been termed, should be operated fairly in America also. So I think once again we are at a crossroads in professional sports, and I think this legislation will take us down the right path from that crossroads. Let me just say for all of you outside of Cleveland who may be listening, it happened to us in Ohio, in Cleveland, and it could happen to you. I think the legislation we are proposing today will go a long way toward giving the National Football League the ability, the legal ability, which they do not now have, to control their own league. It gives them the legal ability, and I think they will use it judiciously and properly and stop some of this turmoil of disruption that we see in the league right now, the way it has been operating in the last few years.

I yield the floor.

Mr. DEWINE. Mr. President, I am very proud to join my colleague from Ohio today in cosponsoring this piece of legislation. The senior Senator from Ohio has very eloquently outlined the need for this legislation. Let me also talk about a few items that I feel are important, because this legislation is not just about the Cleveland Browns. Really, this legislation is about how tax dollars are spent. This legislation is about equity. It is about fairness. It is a bill that would ultimately help protect professional football fans everywhere. The question is asked many times, particularly this week when we are talking in this city about important issues such as Bosnia and the budget, why should Congress even think about becoming involved in professional sports?

I think the answer is threefold. First, in 1966, the NFL-AFL wanted to merge,

and they came to this Congress to ask for specific exemption of the antitrust law, and that was granted. Later on, when they wanted to pool their resources, pool the TV money, again the NFL came to this Congress, to the House and the Senate, to the American people, and said we want special legislation. That legislation was passed and signed into law, and they operate under that law today.

In virtually every move that is contemplated today in professional sports, certainly in regard to the purported move by the Browns from Cleveland to Baltimore, tax dollars are involved, Federal tax dollars indirectly, local tax dollars both indirectly and directly. No move takes place today without subsidization by the taxpayers. In the case of the Baltimore-Cleveland situation, you have the Cleveland community that has not only supported the Browns with its individual money by the people who go to the game, not only watch the game on TV, not only the great loyalty of almost 50 years of the Cleveland Browns fans, but the community through tax dollars has put tax dollars back into Municipal Stadium over the years, and there has been a contribution. And so we see that case now in Baltimore with additional tax dollars. Yes, I know they are called lottery dollars. They are. But again they are public funds that are used to lure Cleveland over to Baltimore. So public dollars are involved and involved in virtually every single move. And so these are three good reasons I believe why Congress is already involved in the NFL, already involved in professional football. The only question before us is to what extent we want to be involved.

Senator GLENN has outlined the major provisions of this bill. The one provision which will give a limited antitrust exemption to the NFL owners if they turn down a move is, as Senator GLENN said, very limited, and it does have the effect, in my opinion, of facilitating the NFL in doing what they ought to do anyway, and that is, frankly, follow their own nine-point criteria. That is all anyone can expect them to do.

When anyone looks at the nine-point criteria that the NFL drew up to guide them, that they did in lieu of the Al Davis case—and they drew up nine points, very objective criteria—it is abundantly clear that if you objectively apply the criteria, the Cleveland Browns would simply never be allowed to move. It is not even a close call.

Here we have a community that has put an average of 70,000 people in the stands Sunday after Sunday after Sunday in good years and some years that maybe were not so good—almost 50 years of football tradition, NFL football in Cleveland.

The day after it was announced that the Browns wanted to move to Baltimore, a day after the infamous press conference in Baltimore was held, less than 24 hours later, the voters of Cleveland, in Cuyahoga County, voted by a

72 percent margin to tax themselves to keep the Browns in Cleveland—72 percent in 1995, with the antitax climate that we have today.

Here is a team that is rated No. 1 in the NFL, No. 1 in the NFL in TV penetration of their market. They get a bigger share of the TV market in the Cleveland area, throughout the Cleveland market, northeast Ohio, central Ohio, than any other team in the NFL.

So if you look at the criteria that is applied, objective criteria, how well has the community supported the team, how willing is the community willing to try to negotiate and to provide the things that are needed for the team to solve any problems the team might have, when you look at all the criteria, it is abundantly clear, on an objective basis, the Browns did not qualify. It is not even close. Baltimore should get a team, but it should not be the Cleveland Browns.

Let me turn, Mr. President, to another provision in this bill, and it has to do with something that I discussed yesterday with Commissioner Tagliabue when he testified in front of our Judiciary Committee, and that is this thing that is called the franchise relocation fee. This is, in essence, to boil it down, money that is given by the team that is moving to all the other NFL owners.

The last time this was done, the amount was, if you count the direct money and the indirect money, \$46 million. The last time there was a move in the NFL, \$46 million, they spread it among the other NFL teams. These are the same owners, same teams that have to judge whether or not it is in the best interest of football and the fans for a team to be able to move.

What this bill does is say you cannot have this franchise relocation fee. It is not right. It is not fair. It does not accomplish anything for the fans, for professional football, and certainly it does not make the decisionmaking process any more objective as carried on by the owners.

The deal between the Cleveland Browns and Baltimore in Maryland provides a specific provision. In that contract it provides that up to \$75 million can be used for a franchise relocation fee, up to \$75 million. I would submit, Mr. President, that it is not too far a stretch of the imagination to argue that the lottery funds, other public money, from Baltimore, from Maryland, will then go to the Browns, the Browns would then turn around and distribute this, on this relocation fee, to the other owners. I think it is abundantly clear what the problem is with this franchise relocation fee.

Mr. President, we are not in any way with this bill arguing or saying that teams should not be able to move. Teams should be able to move. They should be able to move if the market is not good, if there are problems locally that cannot be resolved. What we are simply saying, though, is that the movement should be based on merit,

and there should be some logic behind that.

In yesterday's hearing, Mr. President, I talked with some of the witnesses, particularly witness Tagliabue, the commissioner of the NFL, about a couple changes I thought the NFL could make without any intervention by Congress. The franchise relocation fee is one. The NFL does not have to wait for legislation. They could do that tomorrow. They could change the rules and do away with that. And I think they should.

Another thing that the NFL could do would be to change their very, very strange—I do not know, Mr. President, a better word to describe it—but the very, very strange structure by which they share revenues in regard to people who go into those coliseums and ballparks every weekend.

Mr. President, if you or I buy a ticket, go in to see an NFL football game this coming Sunday, if we just buy a regular ticket, part of the money from that ticket will go to the visiting team, part will go to the home team. It is the way most professional sports divide the money up. The home team does get more, but there is a certain percentage. It works no matter where you buy the ticket. There is one exception to that.

This has to do with the luxury boxes. If you are lucky enough to be seated up in a luxury box, in comfort, looking down, the money you have paid or the money someone else has paid for that luxury box, for that seat, whatever you want to call it, that all goes to the home team. Well, this was a decision made apparently a few years ago by the NFL.

It did not take the owners and teams very long to figure this out. And so if you got extra money, if you got all the money from the luxury boxes, it put a premium on building more luxury boxes, in fact, put a lot of pressure on the teams to build these luxury boxes, because not only, Mr. President, do the teams get all of the money instead of just part of the money—

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DEWINE. Not only does all this money for the luxury boxes then go to the individual owner of the home team, but it also has the effect—I will not take the time on the floor of the Senate today to explain all the math of this—but it has the effect of driving up these salary caps because that salary cap is based on total gross revenue and based on formulas. Basically, it is 62 percent times the designated amount of revenue.

And so if one team, let us say team A, has no luxury boxes, but team B builds luxury boxes, not only does team B get all the money for the luxury boxes, not split at all with team A,

who they might be playing that weekend, but team B, by getting that luxury box money, drives up the salary cap, not just for them but for everybody. So team A has their costs go up. So it is almost like being on a treadmill.

The NFL has created a system by which everybody has a real incentive to go out and build luxury boxes. What that means is they are either going to build them in the home coliseum or the home park, or they are going to make the incentive to move somewhere else.

So the NFL has created a situation with this structure that really puts a premium on movement, and I do not think it is in the best interest of football. Again, it is something that the NFL should change and can change themselves, and I think it is a fair representation of Commissioner Tagliabue's testimony yesterday that he simply did not disagree with this at all.

Mr. President, let me conclude by stating that the thing that I have found most interesting in the last several weeks in regard to the controversy surrounding the Cleveland Browns' reported move to Baltimore has not been the reaction of fans in Ohio—and that has been absolutely unbelievable. People are up in arms. But we sort of expected that. What I think is interesting is that people across this country, who are sports fans, and who are not Browns fans, have looked at this and said this is not right, something is wrong, there is a problem. Maybe this move or attempt to move by the Browns to Baltimore is sort of, or should be, a wakeup signal to the NFL that something is absolutely wrong.

Mr. President, the NFL has a nine-point criteria. I think they should apply that nine-point criteria to determine if this move—I think they would, if they applied the nine-point criteria, determine this move is not right, does not fit the criteria, and should not take place, and is not in the best interest of football.

I believe that the bill that Senator GLENN introduced, that I have cosponsored, today will help in this situation. It will help the NFL do what it should do anyway, and is one more step toward trying to rectify a situation in professional football and other professional sports that is really very much out of hand and out of control.

I will be talking more about this on the floor in the weeks to come, Mr. President. I thank the Chair and the Senate for the additional time, and I yield back.

By Mr. BIDEN:

S. 1440. A bill to amend the Social Security to increase the earnings limit, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY EARNINGS LIMIT LEGISLATION

• Mr. BIDEN. Mr. President, today I am introducing legislation that would

increase the Social Security earnings limit—the amount that senior citizens can earn before they start losing Social Security benefits.

As my colleagues know, the earnings limit is currently \$11,280, and it is increased each year for inflation. For seniors between the ages of 65 and 69, every \$3 earned over that limit means a \$1 reduction in Social Security benefits.

It is almost hard to believe this issue is still around. I remember back in my first term in the Senate—in 1977—when I introduced similar legislation. At the time, the earnings limit was \$3,000, and I tried to increase it to \$6,000. I was prompted to do so in part because of a Delaware woman who came up to me at a meeting and told me that she was breaking the law.

I wondered what crime could this sweet, frail, elderly woman be guilty of. And, she told me. She had a part-time job and was being paid in cash so that she would not have to report her income and thereby lose her Social Security benefits. She needed both to survive financially.

In the years since then, I have heard other stories—they are practically endless.

Imagine an elderly couple whose adult child develops some medical problem. Like most parents, they want to help their child—they do not abandon their parental instincts and concern just because they have turned 65. But, to meet the costs of caring for their child, they need to go back to work—and as a result, they will lose some of their Social Security benefits.

Or imagine the case—and it happens all too often—where the husband dies. And the wife, who he supported financially, now faces a dilemma. Her widow's Social Security benefits are not enough. She must get a part-time job to maintain a living. So, she goes to work, but loses part of her Social Security benefits.

Or imagine those senior citizens who just want to supplement their Social Security income—so they do not become dependent on welfare or on their own children, who are facing a financial squeeze of their own between their mortgages and putting their kids through college. Those seniors who want to ensure that they do not become dependent on others are penalized by having their Social Security benefits reduced.

Mr. President, these stories illustrate the perversity of a low Social Security earnings limit. It discourages some seniors from working, penalizes other seniors for working, and makes criminals of some seniors who need both a paycheck and a Social Security check to survive. This is not right.

So why does this policy even exist? Well, believe it or not, at one time, it had a very legitimate purpose.

In the midst of the Great Depression roughly 60 years ago, unemployment was rampant. And, the plain fact was, we wanted senior citizens out of the

work force so that there would be more jobs for young workers with young families. That is part of the reason why Congress created the Social Security earnings limit—to discourage seniors from working.

A legitimate rationale at the time. But not today. Today, unemployment stands at a low 5.5 percent. And, the American economy, with a shrinking labor pool, is facing competition within an ever expanding global marketplace.

So, just when we need experienced workers in the labor force, we are wasting the greatest source of experience—our senior citizens. Just when we should be encouraging seniors to stay in the work force, many elderly workers are better off earning less than earning more. These are seniors who wish to work—in some cases, must work—who would work hard, and who could add millions of dollars to our economy. But, many are not working because the Social Security earnings limit penalizes them for doing so.

This is simply not fair to our seniors, and it is not good for this country. We should not penalize anyone for wanting to work and for wanting to supplement their income. And, we should not make criminals of those who do.

Now, unlike some of my colleagues, I do believe that some earnings limit still has a place. Social Security is, after all, a retirement program, not a reward for becoming old. But, an earnings limit set at \$11,280 simply has no rational basis whatsoever. And those it hurts are too often those who are already struggling.

I find it interesting that the effect of such a low earnings limit is that working, middle-class seniors are penalized. They lose part of their Social Security benefits. But, the wealthy are treated differently. The elderly Donald Trumps and the elderly Ross Perots of the country have far greater incomes than \$11,280, but they get those incomes from investments and unearned income. Therefore, they do not face the reduction in Social Security benefits that the middle-class faces.

This needs fixing. So, Mr. President, the legislation I am introducing today would increase the Social Security earnings limit to \$14,500 next year and then gradually increase it over the following 6 years until the limit reaches \$30,000 in the year 2002. In other words, seniors could earn up to \$30,000 per year before their Social Security benefits begin to be reduced.

Earlier this month, the Senate debated and failed to pass similar legislation introduced by Senator MCCAIN. I want to commend the Senator from Arizona for his dedication to this issue over the last several years. And, I say to my colleagues that the bill I am introducing today is the same as the Senate considered—and unfortunately rejected—a few weeks ago, except in a couple of respects.

First, my bill would also apply the increase in the earnings limit to blind