

By Mr. PRESSLER: S. 625. A bill to amend the Land Remote Sensing Policy Act of 1992; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD (for himself and Mr. COCHRAN): S. 626. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LEAHY, Mr. MOYNIHAN, and Mr. GRAHAM): S. 627. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. HELMS): S. 628. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. SIMPSON, and Mr. PRESSLER): S. 629. A bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands; to the Committee on Environment and Public Works.

By Mr. D'AMATO: S. 630. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY: S. 631. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself and Mr. COCHRAN):

S. 626. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### WATERWAYS RESTORATION ACT

Mr. HATFIELD. Mr. President, development of the water resources of the United States have been a vital factor in the growth and prosperity of this country. Our water resources have brought us a strong agricultural base, power generation, navigation, and domestic and industrial water supplies. However, the gains we have made in terms of productivity and efficiency have in many cases exacted a toll on our water resources. Despite a concerted effort to improve the quality of our waterways, recent estimates indicate that 38 percent of our rivers, 44 percent of our lakes, and 97 percent of the Great Lakes remain degraded.

This is a continuing problem worthy of the earnest efforts of each of us. The Clean Water Act has made great improvements in the quality of the Nation's waterways. The goals of the Clean Water Act reauthorization legislation now pending on the Senate calendar certainly focus much needed attention on the continuing dilemma we

face with respect to our water resources.

Today, I am proud to join with Senator THAD COCHRAN, to introduce the Waterways Restoration Act in the hope of providing additional tools to improve the waterways of the United States. The legislation I introduce today is the companion to legislation introduced in the House by Congresswoman ELIZABETH FURSE of Oregon. I compliment Congresswoman FURSE for her fine leadership in this area and I am proud to introduce the Senate version of this fine proposal.

The Waterways Restoration Act would establish a technical assistance and grant program for waterway restoration programs within the Soil and Conservation Service [SCS] at the U.S. Department of Agriculture. No new money would be required to fund this program. Rather, the program would draw on existing funds by redirecting 20 percent of the SCS's existing Watershed Protection and Flood Prevention Program budget to fund nonstructural, community-based projects.

Waterway restoration is a cost effective way to control flooding, erosion and pollution runoff. This legislation would fund local projects to establish riparian zones, stabilize stream banks, and restore areas polluted by urban runoff. Both urban and rural areas would be eligible for project funding. The bill also contains an environmental justice provision that would place a priority on projects in historically disadvantaged communities overlooked by Federal cleanup efforts.

Mr. President, this is sound, progressive legislation. It addresses in an effective way the pressing water resource problems continuing to face this Nation. As we search for ways to reinvent our Government to make it more responsive to the citizens of this country, we should look more and more to proposals—like this one—that draw on the initiative and ingenuity bubbling over in our communities rather than one-size-fits-all, top-down Federal programs. As Congresswoman FURSE has noted, this is a funded Federal nonmandate, which allows communities to design and implement the restoration projects they want for the streams, creeks, and rivers in their neighborhoods.

I look forward to working with members of the Senate Agriculture Committee to advance this meritorious proposal.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 626

*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 "Waterways Restoration Act of 1995".

#### SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) restoring degraded streams, rivers, and other waterways to a natural state is a cost effective means of controlling flooding, excessive erosion, sedimentation, and nonpoint pollution, including stormwater runoff;

(2) protecting and restoring watersheds provides critical ecological benefits by restoring and maintaining biodiversity, providing fish and wildlife habitat, filtering pollutants, and performing other important ecological functions;

(3) waterway restoration and protection projects can provide important economic and educational benefits by rejuvenating waterfront areas, providing recreational opportunities such as greenways, and creating community service jobs and job training opportunities in waterway restoration for disadvantaged youths, displaced resource harvesters, and other unemployed persons;

(4) restoring waterways helps to increase the fishing potential of waterways and restore diminished fisheries, which are important to local and regional cultures and economies; and

(5) low income and minority communities frequently experience disproportionately severe degradation of waterways, but historically have had difficulty in meeting eligibility requirements for Federal watershed projects under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) due to Federal policy obstacles such as local cost share requirements and formulas for assessing costs and benefits that favor high land values.

(b) POLICY.—Congress declares it in the national interest to—

(1) protect and restore the chemical, biological, and physical components of waterways and associated ecological systems such that the biological and physical structures, diversity, functions, and dynamics of the waterways and systems are restored;

(2) replace deteriorating stormwater structural infrastructures and physical waterway alterations that are ecologically damaging with cost effective, low maintenance, and ecologically sensitive projects;

(3) promote the use of nonstructural means to manage and convey streamflow, stormwater, and flood waters;

(4) increase the involvement of the public and youth conservation or service corps in the monitoring, inventorying, and restoration of watersheds to improve public education, prevent pollution, and develop coordinated citizen and governmental partnerships to restore damaged waterways; and

(5) benefit business districts, local economies, and neighborhoods through the restoration of waterways and the development of multiuse greenway corridors.

#### SEC. 3. DEFINITION OF WORKS OF IMPROVEMENT.

Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended by striking "Each project" and all that follows through "of the project."

#### SEC. 4. WATERWAYS RESTORATION PROGRAM.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following:

##### "SEC. 14. WATERWAYS RESTORATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) BIOTECHNICAL SLOPE PROTECTION.—The term 'biotechnical slope protection' means the use of live or dead plant material, alone or in conjunction with an inert material, to repair and fortify a watershed slope, roadcut, stream bank, or other site vulnerable to excessive erosion, using systems such as brush piling, brush layering, brush matting, fascines, joint plantings, live stakes, seeding, stem cuttings, and pole cuttings.

“(2) CHANNELIZATION.—The term ‘channelization’ means removing the meanders and vegetation from a river or stream to accelerate storm flow velocity, filling habitat to accommodate land development or existing structures, or stabilizing a bank with concrete or riprap.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a tribal or local government, flood control district, water district, conservation district (as defined by section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2))), agricultural extension 4-H program, nonprofit organization, or watershed council; or

“(B) an unincorporated neighborhood organization, watershed council, or small citizen nongovernmental or nonprofessional organization for which an incorporated nonprofit organization is acting as a fiscal agent.

“(4) FISCAL AGENT.—The term ‘fiscal agent’ means an incorporated nonprofit organization that—

“(A) is acting as a legal entity that can accept government or private funds and pass the funds on to an unincorporated community, cultural, or neighborhood organization; and

“(B) has entered into a written agreement with the unincorporated organization that specifies the funding, program, and working arrangements for carrying out a project under the program.

“(5) GREENWAY.—The term ‘greenway’ means a floodplain, floodprone, or project right-of-way that provides flood risk reduction, floodwater conveyance, fish and wildlife habitat, or ecological benefits, and that may provide public access, including a waterfront.

“(6) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of the Code.

“(7) PROGRAM.—The term ‘program’ means the waterways restoration program established by the Secretary under subsection (b).

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(9) STRUCTURE.—The term ‘structure’ means a physical project component used to restore a native ecosystem, including a rock, wood cribwall, geotextile netting, geogrid, dirt-filled gabion, weir, gully check dam, jack, groin, or fence.

“(10) WATERSHED COUNCIL.—The term ‘watershed council’ means a representative group of local watershed residents (including representatives from the private, public, government, and nonprofit sectors) organized to develop and carry out a consensus watershed restoration plan that includes restoration, acquisition, and related activities.

“(11) WATERWAY.—The term ‘waterway’ means a natural, degraded, seasonal, or created wetland on private or public land, including—

“(A) a river, stream, riparian area, marsh, pond, bog, mudflat, lake, or estuary; or

“(B) a natural or humanmade watercourse on public or private land that is culverted, channelized, or vegetatively cleared, including a canal, irrigation ditch, drainage way, or navigation, industrial, flood control, or water supply channel.

“(12) YOUTH CONSERVATION OR SERVICE CORPS PROGRAM.—The term ‘youth conservation or service corps program’ means a full-time, year-round youth corps program or a full-time summer youth corps program as described in section 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)).

“(b) ESTABLISHMENT.—The Secretary shall establish and carry out a waterways restoration program, under which the Secretary

shall provide technical assistance and grants, on a competitive basis, to eligible entities to assist the entities in carrying out waterway restoration projects.

“(c) ADMINISTRATION.—

“(1) OBJECTIVES.—A project shall be eligible for assistance under the program if the project is designed to achieve ecological restoration or protection and—

“(A) flood damage reduction;

“(B) erosion control;

“(C) stormwater management; or

“(D) water quality enhancement.

“(2) USES.—Funds made available for an eligible project may be used for—

“(A) restoration and monitoring of a degraded waterway, including revegetation, restoration of a biological community, or a change in land management practices;

“(B) restoration or establishment of a wetland or riparian environment as part of a multiobjective stormwater management system, in which the restored or established area provides stormwater storage, detention, and retention, nutrient filtering, wildlife habitat, and increased biological diversity;

“(C) reduction of runoff;

“(D) stream bank restoration using the principles of biotechnical slope stabilization;

“(E) establishment and acquisition of a multiobjective floodplain riparian and adjacent floodprone land, including a greenway, for sediment storage, floodwater storage and conveyance, wildlife habitat, and recreation;

“(F) removal of a culvert or storm drain to reestablish natural ecological conditions and reduce flood damage;

“(G) organization of a local watershed council, in conjunction with the implementation of an on-the-ground action education or restoration project;

“(H) training of a participant, including a youth conservation or service corps program participant, in restoration techniques, in conjunction with the implementation of an on-the-ground action education or restoration project;

“(I) development of a waterway restoration or watershed plan that will be used within a grant agreement period, referred to in subsection (d)(2), to carry out a specific restoration project;

“(J) restoration of a stream channel to reestablish a meandering, bankfull flow channel, riparian vegetation, or a floodplain to—

“(i) restore the functions and dynamics of a natural stream system to a previously channelized waterway so that channel dimensions and floodplain zones are appropriately sized to the watershed and the slope of the watershed, bankfull discharges, and sediment sizes and transport rates; or

“(ii) convey larger flood flows as an alternative to a channelization project;

“(K) release of a reservoir flow to restore a riparian or instream habitat;

“(L) a watershed or wetland project that has undergone planning pursuant to another Federal, State, tribal, or local program and law and has received any necessary environmental review or permit; and

“(M) an early action project that a watershed council wants to implement prior to the completion of the final consensus watershed plan, if the project meets the watershed management objectives of the council and is useful in fostering citizen involvement in the planning process.

“(3) LOCATION OF PROJECT.—A project may be carried out under the program on—

“(A) Federal lands; or

“(B) State or private lands, if the State or the private land owner is a sponsor or cosponsor of the project or otherwise consents.

“(4) PRIORITY PROJECT.—In determining funding priorities, a project shall have priority if the project—

“(A) is located in or directly benefits a low income or economically depressed area that is adversely impacted by poor watershed management;

“(B) restores or creates a business or occupation in the project area, including a public access opportunity for a waterfront greenway;

“(C) provides an opportunity for a participant in a Federal, State, tribal, or local youth conservation or service corps and provides training in waterway restoration, monitoring, and inventory work;

“(D) serves a community composed of minorities or Native Americans, including a project that develops an outreach program to facilitate the participation by minorities or Native Americans in the program;

“(E) is identified as a regional priority, planned in a regional context, and coordinated with Federal, State, tribal, and local agencies;

“(F) will restore wildlife or a fishery that has commercial, recreational, subsistence, or scientific concern;

“(G) trains or employs a fisher or other resource harvester whose livelihood has been adversely impacted by habitat degradation;

“(H) provides a significant improvement in ecological values and functions in the project area; or

“(I) was approved under this Act prior to the date of enactment of this section, and the project meets or was redesigned to meet the requirements of this section.

“(5) COST-BENEFIT ANALYSIS.—A project shall only be eligible for assistance under the program if an interdisciplinary team, established under subsection (e), determines that the local social, economic, ecological, and community benefits of the project based on local needs, problems, and conditions equal or exceed the local social, economic, ecological, and community costs of the project.

“(6) FLOOD DAMAGE REDUCTION.—A project to reduce flood damage shall be designed for the level of risk selected by the local sponsor and cosponsors to best meet—

“(A) the needs of the local sponsor and cosponsors for reducing flood risks;

“(B) the ability of the local sponsor and cosponsors to pay project costs; and

“(C) community objectives to protect or restore environmental quality.

“(7) INELIGIBLE PROJECT.—A project involving channelization, stream bank stabilization using a method other than biotechnical slope protection, construction of a reservoir, or construction of a structure shall not be eligible for assistance under the program unless the project is necessary for the reestablishment of the structure, function, and diversity of a native ecosystem.

“(d) PROGRAM ADMINISTRATION.—

“(1) DESIGNATION OF PROGRAM ADMINISTRATORS.—The Secretary shall designate a program administrator for each State who shall be responsible for administering the program in the State. Except as provided by paragraph (2), the Secretary shall designate the State Conservationist of the Natural Resources Conservation Service as the program administrator of the State.

“(2) APPROVAL OF A STATE AGENCY.—

“(A) IN GENERAL.—A State may submit to the Secretary an application for designation of a State agency to serve as the program administrator of the State.

“(B) CRITERIA.—The Secretary shall approve an application of a State submitted under subparagraph (A) if the application demonstrates—

“(i) the ability of the State agency to solicit, select, and fund projects within a 1-year grant administration cycle;

“(ii) responsiveness by the State agency to the administrative needs and limitations of

small nonprofit organizations and low income or minority communities;

"(iii) the success of the State agency in carrying out State or local programs that are similar to the program; and

"(iv) the ability of the State agency to jointly plan and carry out with Indian tribes programs similar to the program.

"(C) REDESIGNATION.—If the Secretary determines, after a public hearing, that a State agency approved under this paragraph no longer meets the criteria set forth in subparagraph (B), the Secretary shall so notify the State and, if appropriate corrective action has not been taken within a reasonable time, withdraw the approval of the State agency as the program administrator of the State and designate the State Conservationist of the Natural Resources Conservation Service as the program administrator of the State.

"(3) TECHNICAL ASSISTANCE.—The State Conservationist of a State shall carry out the technical assistance portion of the program in the State regardless of approval under paragraph (2)(B).

"(e) ESTABLISHMENT OF INTERDISCIPLINARY TEAMS.—

"(1) IN GENERAL.—There shall be established in each State an interdisciplinary team of specialists to assist in reviewing any project application submitted under the program.

"(2) APPOINTMENT.—The interdisciplinary team of a State shall be composed of—

"(A) individuals to be appointed on an annual basis by the program administrator of the State, including at least 1—

"(i) hydrologist;

"(ii) plant ecologist;

"(iii) aquatic biologist;

"(iv) biotechnical slope protection expert;

"(v) landscape architect or planner;

"(vi) member of the agricultural community;

"(vii) representative of the fish and wildlife agency of the State; and

"(viii) representative of the soil and water conservation agency of the State; and

"(B) 4 representatives from Federal agencies (5 representatives from Federal agencies located in coastal States), to be appointed on an annual basis by the appropriate regional or State director of the agency, from—

"(i) the Natural Resources Conservation Service;

"(ii) the Environmental Protection Agency;

"(iii) the United States Fish and Wildlife Service;

"(iv) the Corps of Engineers; and

"(v) the National Marine Fishery Service (in coastal States).

"(3) AFFILIATION OF REPRESENTATIVES.—A representative appointed pursuant to paragraph (2)(A) may be an employee of a Federal, State, tribal, or local agency or a nonprofit organization.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—Sections 9, 10(a)(2), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an interdisciplinary team established under this subsection.

"(5) NOTICE.—An interdisciplinary team shall provide adequate public notice before conducting a meeting under this section, including notification in the official State journal.

"(f) CONDITIONS FOR RECEIVING ASSISTANCE.—

"(1) PROJECT SPONSOR AND COSPONSORS.—

"(A) REQUIREMENT.—To be eligible for assistance under the program, a project shall have as project participants—

"(i) a citizens organization; and

"(ii) a State, regional, tribal, or local governing body, agency, or district.

"(B) PROJECT SPONSOR.—A project participant referred to in subparagraph (A) shall be designated as the project sponsor. The project sponsor shall make the grant application and have the primary responsibility for executing the grant agreement, submitting invoices, and receiving reimbursements.

"(C) PROJECT COSPONSOR.—A project participant that is not the project sponsor shall be designated as the project cosponsor. The project cosponsor shall, jointly with the project sponsor, support and actively participate in the project. There may be more than 1 cosponsor for a project.

"(2) USE OF GRANT FUNDS.—Grant funds made available under the program shall not supplant other available funds for a waterway restoration project, including developer fees, mitigation, or compensation required as a permit condition or as a result of a violation of this Act or any other law.

"(3) MAINTENANCE REQUIREMENT.—At least 1 project sponsor or cosponsor shall be responsible for ongoing maintenance of the project.

"(g) SELECTION OF A PROJECT.—

"(1) APPLICATION.—To receive assistance to carry out a project under the program in a State, an eligible entity shall submit to the program administrator of the State an application in such form and containing such information as the Secretary may by regulation require.

"(2) REVIEW OF APPLICATIONS BY INTERDISCIPLINARY TEAMS.—

"(A) TRANSMITTAL.—Each application for assistance under the program received by the program administrator of a State shall be transmitted to the interdisciplinary team of the State established pursuant to this section.

"(B) REVIEW.—On an annual basis, the interdisciplinary team of each State shall—

"(i) review the applications transmitted to the team pursuant to subparagraph (A);

"(ii) determine the eligibility of proposed projects for funding under the program;

"(iii) make recommendations concerning funding priorities for the eligible projects; and

"(iv) transmit the findings and recommendations of the team to the program administrator of the State.

"(C) PROJECT OPPOSITION BY CERTAIN REPRESENTATIVES.—

"(1) IN GENERAL.—If 2 or more of the members of an interdisciplinary team of a State appointed pursuant to clause (vii) or (viii) of subsection (e)(2)(A) or clause (ii), (iii), or (v) of subsection (e)(2)(B) are opposed to a project that is supported by a majority of the members of the interdisciplinary team, a determination on whether the project may receive assistance under the program shall be made by the Chief of the Natural Resources Conservation Service.

"(ii) CONSULTATION.—In making a determination under this subparagraph, the Chief shall consult with the Administrator of the Environmental Protection Agency, the Director of the Fish and Wildlife Service, and, in coastal areas, the Assistant Administrator of the National Marine Fisheries Service.

"(iii) MONITORING.—The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of a project determination made pursuant to this subparagraph.

"(3) FINAL SELECTION.—The final determination on whether to provide assistance for a project under the program shall be made by the program administrator of the State and shall be based on the recommendations made by the interdisciplinary team of the State pursuant to paragraph (2)(B).

"(h) GRANT APPLICATION CYCLE.—

"(1) IN GENERAL.—A grant under the program shall be awarded on an annual basis.

"(2) GRANT AGREEMENTS.—The program administrator of a State may enter into a grant agreement with an eligible entity to permit the entity to phase in a project under the program for a period of not to exceed 3 years, subject to reevaluation each year as part of the annual funding cycle.

"(i) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided by paragraph (2), the non-Federal share of the cost of a project under this section, including structural and non-structural features, shall be 25 percent.

"(2) ECONOMICALLY DEPRESSED COMMUNITIES.—The Secretary may waive all or part of the non-Federal share of the cost of a project that is carried out in an economically depressed community.

"(3) IN-KIND CONTRIBUTIONS.—Non-Federal interests may meet any portion of the non-Federal share of the cost of a project under this section through an in-kind contribution, including a contribution of labor, involvement of a youth service or conservation corps program participant, material, equipment, consulting services, or land.

"(4) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations to establish procedures for granting waivers under paragraph (2).

"(j) LIMITATIONS ON COSTS OF ADMINISTRATION AND TECHNICAL ASSISTANCE.—Of the total amount made available for any fiscal year to carry out this section—

"(1) not more than 15 percent may be used for administrative expenses; and

"(2) not more than 25 percent may be used for providing technical assistance.

"(k) CONSULTATION WITH A FEDERAL AGENCY.—In establishing and carrying out a program under this section, the Secretary shall consult with the heads of appropriate Federal departments or agencies, including the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Civil Works, the Director of the United States Fish and Wildlife Service, the Commissioner of the Bureau of Reclamation, the Director of the Geological Survey, the Chief of the Forest Service, the Assistant Administrator for the National Marine Fishery Service, or the Director of the National Park Service.

"(l) CITIZENS OVERSIGHT COMMITTEE.—

"(1) ESTABLISHMENT.—The Governor of each State shall establish a citizens oversight committee to evaluate management of the program in the State. The membership of a citizens oversight committee shall represent a diversity of regions, cultures, and watershed management interests.

"(2) COMPONENTS TO BE EVALUATED.—Program components to be evaluated by a citizens oversight committee established under paragraph (1) are—

"(A) program outreach, accessibility, and service to low income and minority ethnic communities and displaced resource harvesters;

"(B) the manageability of grant application procedures, contracting transactions, and invoicing for disbursement for small nonprofit organizations;

"(C) the success of the program in supporting the range of the program objectives, including evaluation of the environmental impacts of the program as implemented;

"(D) the number of jobs created for identified target groups;

"(E) the diversity of job skills fostered for long-term watershed related employment; and

"(F) the extent of involvement of youth conservation or service corps programs.

"(3) ANNUAL REPORT.—The program administrator of each State shall issue an annual report summarizing the program evaluation under paragraph (1). The report shall be signed by each member of the citizens oversight committee of the State and shall be submitted to the Secretary.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—The requirements of sections 9, 10(a)(2), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a citizens oversight committee established under this subsection.

"(5) NOTICE.—A citizens oversight committee shall provide adequate public notice before conducting a meeting under this section, including notification in the official State journal.

"(m) FUNDING.—

"(1) FUNDING PRIORITY.—The Secretary shall give priority to a waterways restoration project under this section in making funding decisions under this Act.

"(2) TRANSFERRED FUNDS.—The Secretary may accept the transfer of funds from other Federal departments and agencies to carry out this section.

"(3) APPLICABILITY OF REQUIREMENTS.—Funds made available to carry out this section, and financial assistance provided with the funds, shall be subject to this section and, to the extent the requirements are consistent with this section, other provisions of this Act."

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LEAHY, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 627. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

#### MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT

Mr. HATCH. Mr. President, up until now those of us who have supported reforming the application of the antitrust laws to baseball have been divided between competing approaches. I, together with Senators MOYNIHAN, GRAHAM, and others, introduced S. 415. Senator THURMOND, together with Senator LEAHY, introduced S. 416.

I am pleased to introduce today a bill that brings together these competing approaches and that has the consolidated support of Senator THURMOND, Senator LEAHY, Senator MOYNIHAN, and Senator GRAHAM. We believe that this bill will bring about sound reforms that ensure that baseball is treated fairly and properly under the antitrust laws. We believe that in the long run our bill will contribute to constructive labor relations between the players and the owners. We believe that the reforms proposed by this bill are worth making even apart from the existence of the ongoing dispute between baseball owners and players.

Let me emphasize that our bill would not impose a big-government solution to the current dispute between the owners and the players. On the contrary, it would get government out of the way by eliminating a serious government-made obstacle to settlement.

Seventy-three years ago, the Supreme Court ruled that professional

baseball is not a business in interstate commerce and is therefore immune from the reach of the federal antitrust laws. This ruling was almost certainly wrong when it was first rendered in 1922. Fifty years later, in 1972, when the Supreme Court readdressed this question, the limited concept of interstate commerce on which the 1922 ruling rested had long since been shattered. The Court in 1972 accurately noted that baseball's antitrust immunity was an "aberration" that no other sport or industry enjoyed. But it left it to Congress to correct the Court's error.

A limited repeal of this antitrust immunity is now in order. Labor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws. This aberration in the antitrust laws has handed the owners a huge club that gives them unique leverage in bargaining and discourages them from accepting reasonable terms. This is an aberration that Government has created, and it is an aberration that Government should fix.

The legislation that I am introducing would provide for a limited repeal of professional baseball's antitrust immunity. This repeal would not affect the two matters that owners say that the immunity legitimately protects: Namely, franchise relocation rules, and the minor leagues. Under our bill, major league baseball's ability to control franchise relocation and to deal with the minor leagues would remain unchanged. Our bill also would not affect any other sport or business.

I urge my colleagues in the Senate and the House to support this legislation.

Mr. THURMOND. Mr. President, I rise today in support of the Major League Baseball Antitrust Reform Act of 1995, which I am cosponsoring with Senator HATCH, Senator LEAHY, and others. Our legislation would repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports and unregulated businesses in our Nation. This bill is a result of discussions between myself and Senators HATCH and LEAHY following the recent hearing which I chaired on this important issue. I am particularly pleased that this legislation focuses on the ongoing policy issues relating to baseball's special antitrust exemption.

The Hatch-Thurmond-Leahy legislation eliminates baseball's antitrust exemption, with certain exceptions, and is based on S. 416, the Major League Baseball Antitrust Reform Act, which Senator LEAHY and I introduced on February 14, 1995. One substantive change has been made to include a provision relating to franchise relocation, in order to address concerns raised by some about the practical effect of ending baseball's antitrust exemption. As I have previously stated, however, it is

my belief that it may be worthwhile reviewing the franchise relocation issue as it relates to all professional sports.

The Hatch-Thurmond-Leahy legislation would also maintain the status quo for the minor leagues. It is important to protect the existing minor league relationships in order to avoid disruption of the more than 170 minor league teams which exist throughout our Nation. The Hatch-Thurmond-Leahy bill also makes clear that it does not override the provisions of the Sports Broadcast Act of 1961, which permits leaguewide contracts with television networks.

Our bill is not specially drafted in an attempt to resolve the baseball's current labor dispute. The legislation does not affect the so-called nonstatutory labor exemption, which shields employers from the antitrust laws when they are involved in collective bargaining with a union. Removing the antitrust exemption will not automatically resolve baseball's problems, but I believe it will move baseball in the right direction.

I noted earlier that as the chairman of the Senate Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I held a hearing on baseball's antitrust exemption on February 15, 1995. At the hearing, the subcommittee heard from both players and owners on whether the exemption helps or hurts the sport, and what effect repeal would have on labor relations and other issues. The subcommittee very directly told the owners and players that it is up to them to resolve their differences quickly and play ball for the sake of the American public.

Mr. President, I do not believe that the Congress should interfere in baseball's ongoing labor dispute. But it is my belief that the Congress should repeal the Court imposed antitrust exemption and restore baseball to the same level playing field as other professional sports and unregulated businesses. By removing the antitrust exemption, the players and owners will have one less distraction from their negotiations, and the Congress will no longer be intertwined in baseball's special antitrust exemption.

By Mr. KYL (for himself and Mr. HELMS):

S. 628. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

#### FAMILY HERITAGE PRESERVATION ACT

Mr. KYL. Mr. President, I rise today with my colleague from North Carolina, Senator HELMS, to introduce the Family Heritage Preservation Act, a bill to repeal Federal estate and gift taxes, and the tax on generation-skipping transfers. A companion bill, H.R. 784, was introduced in the House of Representatives last month by Congressman CHRIS COX of California.