

MAKING GOVERNMENT WORK

As we pursue these priorities, we will do so with a Government that is leaner, but not meaner, one that works efficiently, manages resources wisely, focuses on results rather than merely spending money, and provides better service to the American people. Through the National Performance Review, led by Vice President Gore, we are making real progress in creating a Government that "works better and costs less."

We have cut the size of the Federal workforce by over 200,000 people, creating the smallest Federal workforce in 30 years, and the smallest as a share of the total workforce since before the New Deal. We are ahead of schedule to cut the workforce by 272,900 positions, as required by the 1994 Federal Workforce Restructuring Act that I signed into law.

Just as important, the Government is working better. Agencies such as the Social Security Administration, the Customs Service, and the Veterans Affairs Department are providing much better service to their customers. Across the Government, agencies are using information technology to deliver services more efficiently to more people.

We are continuing to reduce the burden of Federal regulation, ensuring that our rules serve a purpose and do not unduly burden businesses or taxpayers. We are eliminating 16,000 pages of regulations across Government, and agencies are improving their rule-making processes.

In addition, we continue to overhaul Federal procurement so that the Government can buy better products at cheaper prices from the private sector. No longer does the Government pay outrageous prices for hammers, ashtrays, and other small items that it can buy cheaper at local stores.

As we look ahead, we plan to work more closely with States and localities, with businesses and individuals, and with Federal workers to focus our efforts on improving services for the American people. Under the Vice President's leadership, agencies are setting higher and higher standards for delivering faster and better service.

CONCLUSION

Our agenda is working. We have significantly reduced the deficit, strengthened the economy, invested in our future, and cut the size of Government while making it work better for the American people.

Now, we have an opportunity to build on our success by balancing the budget the right way. It is an opportunity we should not miss.

March 1996.

WILLIAM J. CLINTON.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and doc-

uments, which were referred as indicated:

EC-2151. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the Office's Sequestration Preview Report for fiscal year 1997; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EC-2152. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, the 1996 Force Readiness Assessment; to the Committee on Armed Services.

EC-2153. A communication from the Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a cost comparison study relative to Davis-Monthan Air Force Base [AFB], Arizona; to the Committee on Armed Services.

EC-2154. A communication from the Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a cost comparison study relative to Lackland Air Force Base [AFB], Texas; to the Committee on Armed Services.

EC-2155. A communication from the Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a cost comparison study relative to Little Rock Air Force Base [AFB], Arkansas; to the Committee on Armed Services.

EC-2156. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's annual report for fiscal year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-2157. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Rental Housing Assistance At A Crossroads"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2158. A communication from the president and chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Republic of the Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-2159. A communication from the chairman of the board of the National Credit Union Administration, transmitting, pursuant to law, a report relative to schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC-2160. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorization of Federal Aviation Administration for fiscal years 1997-99, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2161. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the Southeast Alaska Public Lands Information Center; to the Committee on Energy and Natural Resources.

EC-2162. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a notice concerning defense articles to Laos relative to Presidential Determination 93-45; to the Committee on Foreign Relations.

EC-2163. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-222 adopted by the council on February 6, 1996; to the Committee on Governmental Affairs.

EC-2164. A communication from the Director of the Office of Communications of the

Department of Agriculture, transmitting, pursuant to law, the 1995 annual report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2165. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of activities under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2166. A communication from the General Counsel of the Office of National Drug Control Policy, Executive Office of the President, the annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2167. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the 1995 annual report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2168. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report under the Freedom of Information Act for the National Archives and Records Administration during 1995; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. SIMON, Mr. SPECTER, Mr. BIDEN, Mr. SIMPSON, Mr. KENNEDY, Mr. GRASSLEY, Mr. KOHL, Mr. DEWINE, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. JOHNSTON, Mr. D'AMATO, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. INOUE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, Mr. HARKIN, Mr. WYDEN, and Mr. LAUTENBERG):

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1625. A bill to provide for the fair consideration of professional sports franchise relocations, and for other purposes; to the Committee on the Judiciary.

By Mr. BRYAN (for himself and Mr. REID):

S. 1626. A bill to provide for the orderly disposal of Federal lands in Southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. SIMON, Mr. SPECTER, Mr. BIDEN, Mr. SIMPSON, Mr. KENNEDY, Mr. GRASSLEY, Mr. KOHL, Mr. DEWINE, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. JOHNSTON, Mr. D'AMATO, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DODD, Mr. INOUE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr.

LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, Mr. HARKIN, Mr. WYDEN, and Mr. LAUTENBERG):

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

THE HATE CRIMES STATISTICS ACT
REAUTHORIZATION ACT OF 1996

Mr. SARBANES. Madam President, I am pleased to join today with Senator HATCH, Senator SIMON, and others as an original cosponsor of legislation to permanently authorize the Hate Crimes Statistics Act. The Hate Crimes Statistics Act, passed overwhelmingly by Congress in 1990 and signed into law by President Bush, directs the Department of Justice to compile and publish data on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity. The 1994 Crime Law added the requirement that data also be collected about crimes based on disability. The categories of crime for which data is collected under the act includes homicide, rape, assault, arson, vandalism, and intimidation. The law expired on December 31, 1995, and not only should be reauthorized, but should be given a permanent mandate.

Before enactment of this law, there existed no such national collection of data on hate crimes. At the time it was originally passed, this law was needed to fill the gap in information concerning the deplorable, and increasing, incidence of violent crimes based on bigotry and prejudice. Today, 6 years later, this statute remains vitally necessary.

Madam President, far too often, we hear reports of violent hate-related incidents which shock all decent people in this country. It seems inconceivable that in 1996 such crimes can still be so pervasive, but statistics collected under the law indicate that thousands of hate crimes take place each year. Therefore, it is critically important that we continue to monitor the occurrence of these crimes, in order that we may more effectively respond to them. This law has enabled a systematic collection of information about these crimes on a national basis allowing us to develop a clear picture of the problem and fashion appropriate governmental responses.

Some States, including my home State of Maryland, officially monitor the incidence of hate violence and law enforcement officials in those States have testified to the usefulness of this information. In addition, a number of private groups have done an outstanding job collecting information and pointing out the serious problem of bigotry-related crimes. In particular, I would like to recognize the work of the National Institute Against Prejudice and Violence at the University of Maryland, formed in 1984 through the efforts of former Governor of Maryland Harry Hughes and others. This fine organization has been a clearinghouse for

information on hate crimes and has conducted original research and provided assistance to communities wishing to deal with the problems of hate crime violence.

However, these efforts are simply not enough. A national collection of information is vital. The 1990 act accomplished the establishment and implementation of a Federal data collection system which has proven useful and should continue.

Although the Federal Bureau of Investigation is required under the law to collect information on hate crimes, participation by State and local law enforcement agencies under the law is strictly voluntary. However, participation has increased over the time that the law has been in effect. There has been a significant effort on the local level to encourage participation in the effort and as participation increases, the information will become increasingly more helpful for purposes of identifying and examining national trends in bias-related crime and effectively responding to such crime.

Madam President, experience over the past few years has shown the act also is helpful to State and local law enforcement, both in the effort to provide training with respect to hate crimes and in the effort to identify how law enforcement agencies should direct their resources in dealing with hate crimes. An essential aspect of the effort to address the problem of hate crimes in this country is ensuring that the police have a greater awareness of hate crimes and treat such incidents with more sensitivity and understanding. The presence of more supportive and helpful law enforcement makes it more likely that hate crime victims will report these crimes, which in turn allows Federal, State, and local law enforcement to better respond.

I want to congratulate Senators SIMON and HATCH for their leadership on this important legislation and I urge my colleagues to support prompt enactment of this bill.

Mr. D'AMATO. Madam President, I am pleased to join my colleagues in introducing this bill that will extend the authority of the Attorney General to collect data on crimes motivated by race, religion, or ethnic hatred. The Act was the first action taken by Congress as a direct response to hate-motivated crimes and has certainly merited its continued existence.

When the original act was passed in 1990, the Attorney General was directed to collect data on any crime that evidenced some type of prejudice. It was the first action taken by Congress to address the violence emanating from hate crimes. The reports that have since been prepared by the Attorney General, based on the collected data, describe trends and patterns associated with hate crimes. Having this information is a great asset for Federal officials as well as State and local governments in formulating responses to the vicious behavior of perpetrators of bias crimes.

For New York, with its unique mix of people, the collection of hate crime statistics is too important to fall by the wayside. Communities in my State have begun to organize in order to respond to the incidents of hate crimes in their neighborhood. For example, residents in the town of Oyster Bay on Long Island recently met with their councilman to discuss the escalating occurrences of hate crimes. The response by citizens of my State is laudable and, I believe, must be supported by information compiled in these reports. A permanent database will assist in composing effective initiatives that will fight hate crimes.

State and local law enforcement in New York have struggled against the rising tide of hate crimes. A uniform compilation of statistics can be an asset in determining strategy, even if the participation in the collection of data is voluntary. With a better understanding of the implications and trends of hate crimes, our criminal justice system can target scarce resources to those mechanisms that work the best to combat bias crimes.

Several years ago, the Crown Heights section of Brooklyn saw a senseless violent murder of a young Rabbinical student, a crime that was seemingly motivated by religious hatred. The tension within the community mounted, culminating in days of riots and years of healing. Detecting patterns in the incidents of hate crimes may have forewarned New York City of the horrendous turmoil that was to follow the brutal murder of that young student, Yankel Rosenbaum.

If used in the right manner, statistics are a valuable tool. I hope that my colleagues recognize the need to maintain this database and urge the passage of this important legislation.

Mr. SIMON. Madam President, I rise today to join Senator HATCH in the introduction of a bill to reauthorize and provide a permanent mandate for the Hate Crimes Statistics Act. I would also like to thank Chairman HATCH for his leadership on this important issue, and for scheduling today's Senate Judiciary Committee hearing on this bill. This bill's 28 original cosponsors show the strong bipartisan support for this measure. It also has the strong support of Attorney General Reno, as well as the endorsement of major law enforcement and advocacy groups.

The Hate Crimes Statistics Act, which passed the Senate in 1990 by a vote of 92-4 and was signed into law by then President Bush, requires the Justice Department to collect data on crimes that show evidence of prejudice based on race, religion, ethnicity, or sexual orientation. Until this act was passed, no Federal records of such crimes were maintained. This lack of information made it difficult to determine whether a particular crime was an isolated incident, or part of a continuing series against a particular group.

The act has proven successful in its initial purpose—the creation of data

collection—and has also served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Hearings held before the Senate Judiciary Committee's Subcommittee on the Constitution in 1992 and 1994 showed that one of the prime benefits of the act is that it has helped dramatically increase the awareness and sensitivity of the police about hate crimes. Not only do victims of hate crimes benefit from a more informed police force, but greater police awareness encourages others to report hate crimes.

Since all data submission under the act is voluntary, we did not anticipate 100 percent participation by State and local law enforcement agencies from the start. Nonetheless, over the course of 4 years, there has been great progress in participation levels. In 1991, 2,771 law enforcement agencies participated in the voluntary reporting program. In 1994, more than 7,200 agencies participated. Local police, advocacy groups, mayors, and others have joined the effort to encourage every law enforcement agency to comply, and as more and more local agencies participate, the statistics will be more and more useful to identify trends and formulate responses. In addition, the FBI is in the process of working with States to upgrade their computer systems. When this transition is complete, the data should be even more useful. Unfortunately, there are still law enforcement agencies in some States and many large cities which are not yet participating in the data collection. We need active oversight of this act to ensure that these agencies join in this important effort, making the statistics more accurate and useful.

FBI Director Louis Freeh has stated that he is committed to the continued tracking of hate crimes statistics. However, we believe that this effort has proven its usefulness and deserves a permanent mandate. Collecting such data will not erase bigotry. It will, however, be a valuable tool in the fight against prejudice. The information is essential in identifying how law enforcement should best focus its resources in dealing with hate crimes. The data will also be useful to policymakers and local communities in their efforts to fight these crimes.

Obviously, the FBI statistics do not yet accurately reflect the level of violence motivated by prejudice in our society. More and more agencies participate each year, however, we need only read the headlines and reports by advocacy groups to see how widespread the problem of hate crimes remains in our Nation.

The Justice Department recently launched a civil rights probe into a rash of arson which has destroyed at least 23 black churches in the South since 1993. The Justice Department is trying to determine whether the crimes are racially motivated, and whether they are connected. Several of the incidents have been solved, how-

ever, and clearly racism motivated the offenders. The teenagers found guilty of burning a church in Mississippi in 1993 shouted racial epithets during commission of their crime. Racist graffiti was spray-painted on the walls of a Knoxville, TN, Baptist church set afire on January 8, 1996. Sumter County Circuit Court Judge Eddie Hardaway, a black judge who sent two white men to jail for vandalizing black churches, was recently the victim of a shotgun attack which shattered bedroom windows in his home. During the 1960's civil rights movement, many black churches were set ablaze, however in the late 1980's and early 1990's only one or two such crimes were reported each year. This recent string of arson reminds us that prejudice and hate crimes remain a problem in our Nation.

Recent reports by private groups, such as the Anti-Defamation League, the National Coalition on Anti-Violence Projects, and the National Asian Pacific American Legal Consortium, confirm that unfortunately the problem of crimes based on prejudice continues. The ADL's 1995 Annual Audit of Anti-Semitic Incidents actually had some good news: the 1,843 anti-Semitic incidents reported to the Anti-Defamation League in 1995 represented a decrease of 223 incidents, or 11 percent, from the 1994 total of 2,066. This is the largest decline in 10 years. However, this good news is tempered by the seriousness of many of the incidents reported. For the fifth straight year in a row, acts of anti-Semitic harassment against individuals outnumber incidents of vandalism against institutions and other property.

The National Coalition of Anti-Violence Projects and New York City Gay and Lesbian Anti-Violence Project report similar findings for 1995. There were fewer incidents of violence against homosexuals in 1995, but the incidents were more violent. There was an 8 percent drop in the number of incidents, but a 10 percent increase in the number of assaults and rapes.

We need to realize that the name-calling, the graffiti, the discrimination, and the threats and violence are all signs of a pervasive problem. The more informed we are about the scope and nature of our communities' problems with hate crimes, the better able we will be to develop effective prevention and prosecution strategies, as well as support structures for victims of these crimes.

I am pleased to join with Senator HATCH today, with support from 28 of our colleagues, the Attorney General and law enforcement and advocacy groups across the Nation, to introduce the reauthorization of the Hate Crimes Statistics Act. I encourage all of my colleagues to join us in working to pass this important legislation.

Mr. CAMPBELL. Thank you, Mr. President, for the opportunity to address this important issue. If one needs a reminder as to why we must make the Hate Crime Statistics Act mandate

permanent, one need look no further than today's headlines. Throughout the South, Federal and State authorities are investigating a rash of arson against African-American churches reminiscent of the violence perpetrated three decades earlier. In California, a native American was brutally stabbed by skinheads.

My home State of Colorado has not been immune from the scourge of hate violence. In Morrison, CO, a swastika was burned on a woman's lawn. While in Aurora, a man shot his neighbor with a BB gun because of hatred for his Asian neighbor.

In 1995, the Southern Poverty Law Center's Klanwatch Project counted 267 active hate groups in the United States including 6 in Colorado. And, in 1994, because of the passage of the Hate Crimes Statistics Act, law enforcement agencies in the United States were able to identify 5,852 hate crimes.

Hate crimes are a growing problem—one that cannot merely be measured by numbers alone. If we are going to be successful in our battle against the scourge of violent hate crime, one thing is certain—we must have hard, reliable, information about the nature and the scope of the problem.

Mr. President, this bill calls for a permanent mandate for the collection of hate crime data by the Justice Department. This important piece of legislation received broad bipartisan support and was signed into law by President Bush in 1990.

Data collection is crucial to this effort for other reasons as well. According to an article in Stanford Law & Policy Review entitled "Bias Crime: A Theoretical and Practical Overview," data collection has proven to be a gateway for other important initiatives in the battle against crime. These other responses include enhanced investigative techniques, improved services for victims and the establishment of inter-agency coordination.

There is another important purpose to this legislation as well. It sends a strong, symbolic message that we, as a nation, will not tolerate this kind of behavior. Mr. President, I proudly cosponsor this legislation which will make the Hate Crimes Statistics Act a significant and permanent addition to our framework of anti-crime laws.

By Mr. SPECTER:

S. 1625. A bill to provide for the fair consideration of professional sports franchise relocations, and for other purposes; to the Committee on the Judiciary.

THE PROFESSIONAL SPORTS FRANCHISE
RELOCATION ACT OF 1996

Mr. SPECTER. Mr. President, the purpose of my seeking recognition is to introduce legislation that would provide for an antitrust exemption for the National Football League on the subject of franchise moves, because that has become such a major problem in the United States. Note the recent move of the Cleveland

Browns to Baltimore, and previous moves of the Cardinals from St. Louis to Phoenix, of the Rams from Los Angeles to St. Louis, of the Colts from Baltimore to Indianapolis, and the tremendous dislocations that these moves have caused not only to sports fans who have a very close relationship with their team—really, America is in love with sports and it carries from the high school to the college and professional level—but to all Americans. We have recently seen the Pirates saved in the city of Pittsburgh because of the ability of professional baseball to control franchise moves, which is not possible for professional football, because baseball has a generalized exemption to the antitrust laws, whereas football does not.

This is a matter which has enormous financial implications for the cities involved. There are thousands of jobs involved in hotels, restaurants, commercial opportunities, and more than even the financial matters and the status as a big-league city. As a Senator from Pennsylvania, with major sports teams in my State, it is a matter of very, very significant importance. It first came to my attention personally in my early years in the Senate, back in 1982, when Dan Rooney, the owner of the Steelers, approached me with then-Commissioner Pete Rozelle seeking hearings in the Judiciary Committee on the then-pending move of the Raiders from Oakland to Los Angeles. Senator THURMOND, then chairman of the Judiciary Committee, scheduled those hearings. They were very important hearings, which, regrettably, did not stop the move of the Raiders from Oakland to Los Angeles. Then we have seen the Raiders move back from Los Angeles to Oakland, and it led me to introduce a series of bills, as others have, on this very important subject. These are delineated in a fuller statement, which I will have made a part of the RECORD at the conclusion of this brief presentation.

I believe, Mr. President, that legislation is necessary in this area to provide stability for professional football. It is my hope, as we move through this legislative process, that we will receive from football, as well as from baseball, for the preservation of their antitrust exemption, some consideration that will result in the avoidance of some cities putting up vast sums of money, like Baltimore is putting up some \$200 million to bring the Browns to Baltimore from Cleveland, according to press reports. This antitrust exemption applies, as well, to basketball and hockey. Again, it is very important to have stability in those leagues so they can avoid dislocations and having franchises moved because of the threat of judicial holdings that the antitrust laws are violated when the league attempts to block a team from relocating.

My legislation does contain a provision that where a team moves and it leaves the city at a loss because of in-

frastructure changes the city has made, or contractual obligations, the moving team has to reimburse the city for its share of that public debt. This is an idea brought to me by the distinguished mayor of Pittsburgh, Mayor Tom Murphy. It is based on a resolution adopted by the Conference of Mayors. My bill also has a provision that requires that when a team moves from a city, if the league expands, that city will have the first opportunity—in effect, the right of first refusal—to be considered for an expansion team. The bill does not impose an obligation on the league, because there are many complicating factors that the league has to consider in deciding where a team should be located.

But we have seen tremendous instability in professional sports with these franchise moves. My own concern arose a long time ago when the Dodgers moved from Brooklyn to Los Angeles. I thought Los Angeles ought to have a team, but not the Dodgers. They ought to have had an expansion team. At the same time there was the move of the Giants to San Francisco from New York.

This legislation builds upon previous bills of mine, which I have specified in my longer statement. It is a part of the process, and I believe we need to have a dialog with the commissioners on the whole variety of issues confronting sports, as I have with Commissioner Tagliabue, talking about, for example, the need for multipurpose stadiums—with objections now to using the Vet in Philadelphia or Three Rivers in Pittsburgh for multiple sports—using, for example a kidney-shaped design to accommodate both football and baseball. We must try to see to it that we have stability and we do not impose enormous burdens on the taxpayers for new stadiums, but that we retain the big-league-city status of current markets that support their teams and expand the leagues, where appropriate, and find some way to stabilize professional sports with revenue sharing and salary caps to protect small-market teams. These issues raise complex matters which are yet to be worked out, but this bill is a start to addressing some of the issues facing professional football, basketball, and hockey.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1625

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 "Professional Sports Franchise Relocation Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) professional sports teams foster a strong local identity with the people of the cities and regions in which they are located, providing a source of civic pride for their supporters;

(2) professional sports teams provide employment opportunities, revenues, and a valuable form of entertainment for the cities and regions in which they are located;

(3) in many communities, there are significant public investments associated with professional sports facilities;

(4) it is in the public interest to encourage professional sports leagues to operate under policies that promote stability among their member teams and to promote the equitable resolution of disputes arising from the proposed relocation of professional sports teams; and

(5) professional sports teams travel in interstate commerce to compete, and utilize materials shipped in interstate commerce, and professional sports games are broadcast nationally.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "antitrust laws" shall have the meaning given to such term in the first section of the Clayton Act (15 U.S.C. 12) and in the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(2) the term "home territory" means the geographic area within which a member team operates and plays the majority of its home games, as defined in the governing agreement or agreements of the relevant league on July 1, 1995, or upon the commencement of operations of any league after such date;

(3) the term "interested party" includes—

(A) any local government that has provided financial assistance, including tax abatement, to the facilities in which the team plays;

(B) a representative of the local government for the locality in which a member team's stadium or arena is located;

(C) a member team;

(D) the owner or operator of a stadium or arena of a member team; and

(E) any other affected party, as designated by the relevant league;

(4) the term "local government" means a city, county, parish, town, township, village, or any other general governmental unit established under State law;

(5) the terms "member team" and "team" mean any team of professional athletes—

(A) organized to play major league football, basketball, or hockey; and

(B) that is a member of a professional sports league;

(6) the term "person" means any individual, partnership, corporation, or unincorporated association, any combination or association thereof, or any political subdivision;

(7) the terms "professional sports league" and "league" mean an association that—

(A) is composed of 2 or more member teams;

(B) regulates the contests and exhibitions of its member teams; and

(C) has been engaged in competition in a particular sport for more than 7 years; and

(8) the terms "stadium" and "arena" mean the principal facility within which a member team plays the majority of its home games.

SEC. 4. ACTIONS AUTHORIZED.

The antitrust laws shall not apply to a professional sports league's enforcement or application of a rule authorizing the membership of the league to decide whether or not a member team of such league may be relocated.

SEC. 5. PROCEDURAL REQUIREMENTS.

(a) NOTICE.—

(1) IN GENERAL.—Any person seeking to change the home territory of a member team shall furnish notice of such proposed change not later than 210 days before the commencement of the season in which the member team is to play in such other location.

(2) REQUIREMENTS.—The notice shall—

(A) be in writing and delivered in person or by certified mail to all interested parties;

(B) be made available to the news media;

(C) be published in one or more newspapers of general circulation within the member team's home territory; and

(D) contain—

(i) an identification of the proposed new location of such member team;

(ii) a summary of the reasons for the change in home territory based on the criteria listed in subsection (b)(2); and

(iii) the date on which the proposed change would become effective.

(b) PROCEDURES.—

(1) ESTABLISHMENT.—Prior to making a decision to approve or disapprove the relocation of a member team, a professional sports league shall establish applicable rules and procedures, including criteria and factors to be considered by the league in making decisions, which shall be available upon request to any interested party.

(2) CRITERIA TO BE CONSIDERED.—The criteria and factors to be considered shall include—

(A) the extent to which fan loyalty to and support for the team has been demonstrated during the team's tenure in the community;

(B) the degree to which the team has engaged in good faith negotiations with appropriate persons concerning terms and conditions under which the team would continue to play its games in the community or elsewhere within its home territory;

(C) the degree to which the ownership or management of the team has contributed to any circumstance that might demonstrate the need for the relocation;

(D) the extent to which the team, directly or indirectly, received public financial support by means of any publicly financed playing facility, special tax treatment, or any other form of public financial support;

(E) the adequacy of the stadium or arena in which the team played its home games in the previous season, and the willingness of the stadium, arena authority, or local government to remedy any deficiencies in the facility;

(F) whether the team has incurred net operating losses, exclusive of depreciation or amortization, sufficient to threaten the continued financial viability of the team;

(G) whether any other team in the league is located in the community in which the team is located;

(H) whether the team proposes to relocate to a community in which no other team in the league is located;

(I) whether the stadium authority, if public, is opposed to the relocation; and

(J) any other criteria considered appropriate by the professional sports league.

(c) HEARINGS.—In making a determination with respect to the location of such member team's home territory, the professional sports league shall conduct a hearing at which interested parties shall be afforded an opportunity to submit written testimony and exhibits. The league shall keep a record of all such proceedings.

SEC. 6. JUDICIAL REVIEW.

(a) IN GENERAL.—A decision by a professional sports league to approve or disapprove the relocation of a member team may be reviewed in a civil action brought by an interested party subject to the limitations set forth in this section.

(b) VENUE.—

(1) IN GENERAL.—Subject to paragraph (2), an action under this section may be brought only in the United States District Court for the District of Columbia.

(2) EXCEPTION.—If the home territory of the member club or the proposed new home

territory of the member club is within 50 miles of the District of Columbia, an action under this section may be brought only in the United States District Court for the Southern District of New York.

(c) TIME.—An action under this section shall be brought not later than 14 days after the formal vote of the league approving or disapproving the proposed relocation.

(d) STANDARD OF REVIEW.—Judicial review of a decision by a professional sports league to permit or not to permit the relocation of a member team shall be conducted on an expedited basis, and shall be limited to—

(1) determining whether the league complied with the procedural requirements of section 5; and

(2) determining whether, in light of the criteria and factors to be considered, the league's decision was arbitrary or capricious.

(e) REMAND.—If the reviewing court determines that the league failed to comply with the procedural requirements of section 5 or reached an arbitrary and capricious decision, it shall remand the matter for further consideration by the league. The reviewing court may grant no relief other than enjoining or approving enforcement of the league decision.

SEC. 7. MISCELLANEOUS.

(a) PAYMENT OF DEBTS.—

(1) IN GENERAL.—Any team permitted by a professional sports league to relocate its franchise to a different home territory from a publicly owned facility that remains subject to debt for construction or improvements shall pay to the facility owner, on a current basis until the retirement of that debt, its proportionate share, based upon dates of facility usage during the 12 months prior to the notice of the team's intent to relocate, of the existing debt service on such obligations.

(2) EFFECT ON EXISTING RIGHTS.—This subsection shall not affect a stadium authority's rights, if any, to seek specific enforcement of its lease or a club's rights, if any, to seek a judicial determination that its lease has been breached.

(b) COMPETITION.—Any community from which a professional sports league franchise relocates under this Act shall receive 180 days' prior notice of any league decision to expand and an opportunity to compete for such an expansion franchise on grounds no less favorable than those afforded to other communities.

SEC. 8. EFFECTIVE DATE.

This Act shall apply to any league action addressing relocation of the home territory of a member team that occurs on or after June 1, 1995, and to any lawsuit addressing such league action filed after June 1, 1995.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 295, a bill to permit labor-management cooperative efforts that improve

America's economic competitiveness to continue to thrive, and for other purposes.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries.

S. 607

At the request of Mr. WARNER, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Tennessee [Mr. THOMPSON] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 956

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 956, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

S. 1093

At the request of Mr. REID, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1093, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such Act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

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At the request of Mr. KYL, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Texas [Mrs.