

(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.

SENATE JOINT RESOLUTION 49

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

HUTCHISON] were added as cosponsors of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. MCCAIN, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. THOMAS, the names of the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from North Dakota [Mr. DORGAN], the Senator from Idaho [Mr. CRAIG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Nevada [Mr. BRYAN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China.

AMENDMENT NO. 3511

At the request of Mr. CHAFEE his name was added as a cosponsor of Amendment No. 3511 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

AMENDMENT NO. 3513

At the request of Mr. COATS the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of Amendment No. 3513 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

AMENDMENT NO. 3520

At the request of Mr. WELLSTONE the names of the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Amendment No. 3520 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

At the request of Mr. CONRAD his name was added as a cosponsor of Amendment No. 3520 proposed to H.R. 3019, supra.

AMENDMENTS SUBMITTED

THE 1996 BALANCED BUDGET DOWNPAYMENT ACT, II

HATFIELD AMENDMENT NO. 3553

Mr. HATFIELD proposed an amendment to amendment No. 3466 proposed by him to the bill (H.R. 3019) making appropriations for fiscal year 1996 to

make a further downpayment toward a balanced budget, and for other purposes; as follows:

On page 412, line 23, strike "\$497,670,001" and insert "\$498,920,000".

On page 412, line 24, strike "1997," and insert "1997, of which \$2,000,001 shall be available for 9 activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)."

At the appropriate place insert the following:

SEC. . CONTINUED OPERATION OF AN EXISTING HYDROELECTRIC FACILITY IN MON- TANA.

(a) Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for project numbered 1473, provided that the current licensee receives no payment or consideration for the transfer of the license a political subdivision of the State of Montana that accepts the license—

(1) shall not be required to pay such charges during the 5-year period following the date of acceptance; and

(2) after that 5-year period, and for so long as the political subdivision holds the license, shall not be required to pay such charges that exceed 100 percentum of the net revenues derived from the sale of electric power from the project.

(b) The provisions of subsection (a) shall not be effective if:

(1) a competing license application is filed within 90 days of the date of enactment of this act, or

(2) the Federal Energy Regulatory Commission issues an order within 90 days of the date of enactment of this act which makes a determination that in the absence of the reduction in charges provided by subsection (a) the license transfer will occur.

On page 577, between lines 23 and 24, insert the following new section:

SEC. . Notwithstanding any other provision of law, in the case where payment has been made by a State under title XIX of the Social Security Act between December 31, 1993, and December 31, 1995, to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital, and the Secretary of Health and Human Services has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment but for which a deferral of such claims has not been taken as of March 1, 1996, (or, if such claims have been deferred as of such date, such claims have not been disallowed by such date), the Secretary shall—

(1) if, as of the date of the enactment of this title, such claims have been formally deferred or disallowed, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

At the end of the general provisions in chapter 8 (relating to the Department of Defense) of title II (relating to emergency supplemental appropriations for fiscal year 1996), add the following:

SEC. 804. (a)(1) Section 1177 of title 10, United States Code, relating to mandatory discharge or retirement of members of the Armed Forces infected with HIV-1 virus, is repealed.

(2) The table of sections at the beginning of chapter 59 of such title is amended by striking out the item relating to section 1177.

(b) Subsection (b) of section 567 of the National Defense Authorization Act for Fiscal year 1996 is repealed.

On page 754, before the heading on line 5, insert the following:

(TRANSFER OF FUNDS)

SEC. . Of the funds appropriated or otherwise made available in title IV of the Department of Defense Appropriations Act, 1996 (Public Law 104-61) under the paragraph "RESEARCH DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", \$44,900,000 are transferred to and merged with funds appropriated or otherwise made available under title II of that Act under the paragraph "OPERATION AND MAINTENANCE, AIR FORCE" and shall be available for obligation and expenditure for the operation and maintenance of 94 B-52H bomber aircraft in active status or in attrition reserve.

On page 754, before the heading on line 5, insert:

SEC. . Of the funds made available in Public Law 104-61 under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE", \$500,000 of the funds provided for the Advanced Research Projects Agency may be available to purchase photographic technology to support research in detonation physics: *Provided*, That the Director of Defense Research and Engineering shall provide the congressional defense committees on Appropriations with a plan for the acquisition and use of this instrument no later than April 29, 1996.

On page 754, before the heading on line 5, insert:

SEC. . Of the funds made available in Public Law 104-61 under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE", up to \$2,000,000 of the funds provided for the Joint DOD-DOE Munitions Technology Development program element shall be used to develop and test an open-architecture machine tool controller.

On page 770, after line 4 of the Committee substitute, insert the following new section:

SEC. . The Secretary shall advance emergency relief funds to the State of Missouri for the replacement in kind of the Hannibal Bridge on the Mississippi River damaged by the 1993 floods notwithstanding the provisions of section 125 of title 23, United States Code: *Provided*, That this provision shall be subject to the Federal Share provisions of section 120, title 123, of United States Code.

On page 643, after line 3 of the Committee substitute, insert the following new paragraph:

Of the amount made available under this heading, notwithstanding any other provision of law, \$13,000,000 shall be for a grant to Watertown, South Dakota for the construction of wastewater treatment facilities.

SEC. . SENSE OF THE SENATE REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that the Conference on S. 1594, making Omnibus Consolidated Rescissions & Appropriations for Fiscal Year ending September 30, 1996, and for other purposes, shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

SEC. . SENSE OF THE SENATE REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that Congress and the relevant committees of the Senate shall examine the manner in which federal disaster assistance is provided and develop a long-term funding plan for the budgetary treatment of any federal assistance, providing for such funds out