

Watts (OK)
Weldon (FL)
Wicker (PA)
Weller
Weygand

White
Whitfield
Wicker
Wilson
Wise

Wolf
Wynn
Young (AK)
Young (FL)

NAYS—137

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (CA)
Brown (OH)
Carson
Chenoweth
Clay
Clyburn
Conyers
Coyne
Crane
Crapo
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doolittle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Furse

Gejdenson
Gephardt
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hookey
Jackson (IL)
Jackson-Lee
(TX)

Mink
Moran (KS)
Nadler
Neumann
Obey
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Petri
Rangel
Rivers
Roemer
Ros-Lehtinen

Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Klecza
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther

Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sanford
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sherman
Skaggs
Smith, Adam
Stabenow
Stark
Stokes
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Velazquez
Waters
Watt (NC)
Waxman
Wexler
Woolsey

NOT VOTING—7

Kennelly
Markey
McCrery

Poshard
Pryce (OH)
Smith (OR)

Yates

□ 2138

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of House Resolution 577, the Chair desires to inform Members that the official picture of the House while in session will be taken immediately after approval of the Journal when the House convenes tomorrow.

The Chair further announces that any recorded votes requested tonight will be postponed until tomorrow.

ANNOUNCEMENT OF BILLS AND RESOLUTIONS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON THURSDAY, OCTOBER 8, 1998

Mr. HULSHOF. Mr. Speaker, pursuant to H. Res. 575, I announce the fol-

lowing suspensions to be considered on Thursday October 8:

H.R. 4364, Depository Institution Regulatory Streamlining Act of 1998;
H. Res. 578, Science Policy Report;
H. Res. 565, Mammograms;
H.R. 2263, Theodore Roosevelt;
H.R. 4506, International Child Labor Relief Act of 1998;

H.R. 4660, To Provide Rewards for Information Leading to the Arrest or Conviction of Any Individual for the Commission of an Act, or Conspiracy to Act, of International Terrorism, Narcotics Related Offenses, or for Serious Violations of International Humanitarian Law Relating to the Former Yugoslavia;

H. Con. Res. 320, Supporting the Baltic People of Estonia, Latvia, and Lithuania, and Condemning the Nazi Soviet Pact of Non-Aggression of August 23, 1939;

H. Res. 557, Expressing Support for U.S. Government Efforts to Identify Holocaust Era Assets, Urging the Restitution of Individual and Communal Property;

H. Con. Res. 331, Expressing the Sense of Congress Concerning the Inadequacy of Sewage Infrastructure Facilities in Tijuana, Mexico;

H. Con. Res. 309, Condemning the Forced Abduction of Ugandan Children and Their Use As Soldiers;

H.R. 3874, William F. Goodling Child Nutrition Reauthorization Act of 1998;

S. 2206, Coats Human Services Reauthorization Act of 1998;

S.J. Res. 51;

S. 1021;

H.R. 2281, WIPO; and

H.R. 2109, Campaign Finance Sunshine.

CURT FLOOD ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 53) to require the general application of the antitrust laws to major league baseball, and for other purposes.

The Clerk read as follows:

S. 53

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 "Curt Flood Act of 1998".

SEC. 2. PURPOSE.

It is the purpose of this legislation to state that major league baseball players are covered under the antitrust laws (i.e., that major league baseball players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.

SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. §12 et seq.) is amended by adding at the end the following new section:

"SEC. 27. (a) Subject to subsections (b) through (d), the conduct, acts, practices, or

agreements of persons in the business of organized professional major league baseball directly relating to or affecting employment of major league baseball players to play baseball at the major league level are subject to the antitrust laws to the same extent such conduct, acts, practices, or agreements would be subject to the antitrust laws if engaged in by persons in any other professional sports business affecting interstate commerce.

"(b) No court shall rely on the enactment of this section as a basis for changing the application of the antitrust laws to any conduct, acts, practices, or agreements other than those set forth in subsection (a). This section does not create, permit or imply a cause of action by which to challenge under the antitrust laws, or otherwise apply the antitrust laws to, any conduct, acts, practices, or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to—

"(1) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

"(2) the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the 'Professional Baseball Agreement', the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to organized professional baseball's minor leagues;

"(3) any conduct, acts, practices, or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting franchise expansion, location or relocation, franchise ownership issues, including ownership transfers, the relationship between the Office of the Commissioner and franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned or held by organized professional baseball teams individually or collectively;

"(4) any conduct, acts, practices, or agreements protected by Public Law 87-331 (15 U.S.C. §1291 et seq.) (commonly known as the 'Sports Broadcasting Act of 1961');

"(5) the relationship between persons in the business of organized professional baseball and umpires or other individuals who are employed in the business of organized professional baseball by such persons; or

"(6) any conduct, acts, practices, or agreements of persons not in the business of organized professional major league baseball.

"(c) Only a major league baseball player has standing to sue under this section. For the purposes of this section, a major league baseball player is—

"(1) a person who is a party to a major league player's contract, or is playing baseball at the major league level; or

"(2) a person who was a party to a major league player's contract or playing baseball at the major league level at the time of the injury that is the subject of the complaint; or

"(3) a person who has been a party to a major league player's contract or who has played baseball at the major league level, and who claims he has been injured in his efforts to secure a subsequent major league player's contract by an alleged violation of

the antitrust laws: *Provided however*, That for the purposes of this paragraph, the alleged antitrust violation shall not include any conduct, acts, practices, or agreements of persons in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, including any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players; or

"(4) a person who was a party to a major league player's contract or who was playing baseball at the major league level at the conclusion of the last full championship season immediately preceding the expiration of the last collective bargaining agreement between persons in the business of organized professional major league baseball and the exclusive collective bargaining representative of major league baseball players.

"(d)(1) As used in this section, 'person' means any entity, including an individual, partnership, corporation, trust or unincorporated association or any combination or association thereof. As used in this section, the National Association of Professional Baseball Leagues, its member leagues and the clubs of those leagues, are not 'in the business of organized professional major league baseball'.

"(2) In cases involving conduct, acts, practices, or agreements that directly relate to or affect both employment of major league baseball players to play baseball at the major league level and also relate to or affect any other aspect of organized professional baseball, including but not limited to employment to play baseball at the minor league level and the other areas set forth in subsection (b) above, only those components, portions or aspects of such conduct, acts, practices, or agreements that directly relate to or affect employment of major league players to play baseball at the major league level may be challenged under subsection (a) and then only to the extent that they directly relate to or affect employment of major league baseball players to play baseball at the major league level.

"(3) As used in subsection (a), interpretation of the term 'directly' shall not be governed by any interpretation of section 151 et seq. of title 29, United States Code (as amended).

"(4) Nothing in this section shall be construed to affect the application to organized professional baseball of the nonstatutory labor exemption from the antitrust laws.

"(5) The scope of the conduct, acts, practices, or agreements covered by subsection (b) shall not be strictly or narrowly construed."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 53, the Curt Flood Act of 1998. After years of disagreement, the baseball players, the baseball owners, and the minor leagues have reached an historic agreement on the application of the antitrust laws to labor relations in baseball. This agreement has already passed the Senate by unanimous consent, and I hope we will pass it today.

Mr. Speaker, let me just add, because we are talking about baseball, let me tip my cap to my good friend, the gentleman from Michigan (Mr. CONYERS) the ranking member of the Committee on the Judiciary. He has his own bill on this topic, H.R. 21, and he has led the charge on this issue in the House. I want to thank him for his outstanding work in bringing this bill to fruition.

I also want to thank my friends, Senators ORRIN HATCH and PAT LEAHY, chairman and ranking member of the Senate Committee on the Judiciary. They worked many long hours to negotiate the delicate compromise that this bill embodies. We are also indebted to them for their outstanding efforts in bringing this bill to passage. I am delighted to support this simple but important bill, and I ask my colleagues to do the same.

Mr. Speaker, I rise in support of S. 53, the "Curt Flood Act of 1998." After years of disagreement, the baseball players, the baseball owners, and the minor leagues have reached a historic agreement on the application of the antitrust laws to labor relations in baseball. This agreement has already passed the Senate by unanimous consent, and I hope that we will pass it today.

The Supreme Court first held that the business of baseball is exempt from the antitrust laws in 1922. *Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs*, 259 U.S. 200 (1922). The Court, emphasizing organized baseball's longstanding reliance on that exemption, has twice declined to overrule its original 1922 decision. *Flood v. Kuhn*, 407 U.S. 258 (1972); *Toolson v. New York Yankees, Inc.*, 346 U.S. 356 (1953). Instead, the Court has left it to Congress to decide whether the baseball exemption should continue.

Given the agreement of the parties, Congress has now decided to legislate in this area, but we do so only in an extremely narrow manner. S. 53 leaves completely unchanged all aspects of the baseball exemption except for the narrow issue of the labor relations of major league players at the major league level as set out in detail in the new subsection 27(b) of the Clayton Act.

This bill originates from a compromise struck during the last round of collective bargaining between the major league owners and the major league players. After a lengthy labor dispute, these parties reached a collective bargaining agreement that, among other things, required negotiation to reach agreement on a limited repeal of baseball's antitrust exemption. They did so because the players' union argued that the antitrust exemption contributed to the labor disputes that have long marked its relationship with the owners. Specifically, the union asserted that it was disadvantaged in its labor negotiations with the owners because, unlike unions of other professional athletes, it

could not challenge allegedly unlawful employment terms under the antitrust laws.

The major league clubs, of course, disagreed with this view. They contended that the baseball exemption was irrelevant to their labor negotiations with the union. The clubs argued that, like every other multi-employer bargaining group, they were protected from antitrust challenges to their employment terms by the nonstatutory labor antitrust exemption. In that regard, I want to note that nothing in this bill will affect in any way the protections afforded to the major league clubs by the nonstatutory labor antitrust exemption.

As a result of this difference of opinion, both the players and the owners were willing to support the repeal of the specific and narrow portion of the baseball exemption covering labor relations between major league players and major league clubs. The bill was carefully drafted, however, to leave the remainder of the exemption intact.

Before this bill passed the Senate, several changes were adopted to address concerns raised by owners of the minor league teams—the members of the National Association of Professional Baseball Leagues. Minor league baseball owners were concerned that the original bill reported by the Senate Judiciary Committee might not adequately protect their interests. Specifically, the minor league clubs were concerned that the original version of S. 53 was not sufficiently clear to preserve antitrust protection for: (1) the relationship between the major league clubs and the minor league clubs and (2) those work rules and employment terms that arguably affect both major league and minor league baseball players.

Members of Congress agreed that this narrow legislation should not hurt the grass roots minor league baseball played in over 150 towns across the country. For that reason, the minor league clubs were invited into the discussion and given an opportunity to suggest changes to address their concerns, and those changes have been incorporated.

As a result of these three-way negotiations, the parties agreed to amend the bill in several significant ways. These amendments clarify the limited reach of the bill and the expansive nature of the continued protection the bill affords to minor league baseball. For instance, to accommodate the concerns of the minor league clubs, subsection (b) of the new section 27 of the Clayton Act was changed by adding the word "directly" immediately before the phrase "relating to or affecting employment" and the phrase "major league players" was added before the phrase "to play baseball." These changes were made to ensure that neither major league players nor minor league players could use new subsection (a) to attack conduct, acts, practices, or agreements designed to apply to minor league employment.

In addition, new subsection (c) was added to clarify that only major league players could sue under the new subsection (a). Again, the minor leagues were concerned that, without a narrow standing section, minor league players or amateurs might attempt to attack minor league issues by asserting that these issues also indirectly affected major league employment terms.

Therefore, the new subsection (c) carefully limits the zone of persons protected by the bill to only major league players by providing that "only a major league baseball player has

standing to sue under" this limited antitrust legislation. The standing provision gives major league baseball players the same right to sue under the antitrust laws over the major league employment terms that other professional athletes have. Of course, the United States has standing to sue to enjoin all antitrust violations under 15 U.S.C. §§ 4 and 25, and we do not intend subsection 27(c) to limit that broad authority.

This bill does not affect the application of the antitrust laws to anyone outside the business of baseball. In particular, it does not affect the application of the antitrust laws to other professional sports. The law with respect to the other professional sports remains exactly the same after this bill becomes law.

Because we are talking about baseball, let me tip my cap to my good friend, the Ranking Member of the Judiciary Committee, JOHN CONYERS. Mr. CONYERS has his own bill on this topic, H.R. 21, and he has led the charge on this issue in the House. I want to thank him for his outstanding work in bringing this bill to fruition.

I also want to thank my friends Senators ORRIN HATCH and PAT LEAHY, the Chairman and Ranking Member of the Senate Judiciary Committee. They worked many long hours to negotiate the delicate compromise that this bill embodies. We are also indebted to them for their outstanding efforts in bringing this bill to passage.

Mr. Speaker, I am delighted to support this simple, but important, bill, and I ask my colleagues to do the same. At this point, I will reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, this Curt Flood Act is an important piece of legislation. I thank the gentleman from Illinois (Chairman HYDE) for his very charitable comments. As two baseball aficionados, we know that the right thing is being done as we move this to finality.

Professional baseball is the only industry in the United States exempt from the antitrust laws without being subject to regulatory supervision. This circumstance has resulted from a rather sorry Supreme Court decision in 1922 holding that baseball did not involve interstate commerce and was beyond the reach of antitrust laws.

□ 2145

For some reason, we in the Congress have failed to rectify this, despite subsequent court decisions holding that all the other professional sports were fully subject to these same laws that baseball claimed to be exempt from.

There may have been a time when baseball's unique treatment was a source of pride and distinction for many loyal fans who loved our national pastime. But with baseball suffering more work stoppages over the last century than all the other sports combined, including a 1994 strike which ended the possibility of a world series

for the first time in 90 years, and depriving many of our cities of tens of millions of dollars in tax revenues, we can now no longer afford to treat professional baseball in a manner enjoyed by no other professional sport. And that is what S. 53 and H.R. 21 attempt to do.

I am very pleased to be a major sponsor of this legislation, because concerns have been previously raised that by repealing the antitrust exemption we would somehow be disrupting the operation of the minor leagues. That, my colleagues will remember, was the defense that was always raised. An ugly specter. Or professional baseball's ability to limit franchise relocation might also occur. This legislation carefully eliminates these matters from the scope of new antitrust coverage.

In the past, some of us in this body objected to legislating in this area because of their hesitancy to take any action which could impact an ongoing labor dispute. But because the owners and the players have recently agreed to enter into a new collective bargaining agreement, that objection no longer exists. Additionally, the baseball owners are now in full support of this legislation, as of course the Major League Players Association has always been.

This bill was introduced by myself in honor of a very courageous and beautiful ball player, center fielder, Curt Flood, who passed away earlier this year, in January, and, unfortunately, is no longer with us to see the fruit of his work. Mr. Flood, one of the greatest players of his time, risked his career when he challenged baseball's reserve clause after he was traded from the St. Louis Cardinals to the Philadelphia Phillies. Although the Supreme Court rejected the 1972 challenge of Flood, we all owe a debt of gratitude for his willingness to challenge the baseball oligarchy. And he paid the price, too.

By the way, at his funeral in California, George Will, perhaps the supreme baseball nut of all, was there, and Reverend Jesse Jackson, Senior was there as well. It was a very touching event.

Now, this bill has gone through many changes over the years and was introduced originally in the 103rd Congress by our former beloved member of the Judiciary, Mike Synar, of Oklahoma.

In order to address the concern of the minor leagues, it contains many redundancies and, accordingly, a court may have questions about how the provisions of this bill will interrelate. Any court facing such questions would be advised, if I may dare suggest, to return to the purpose section of the bill for aid and interpretation. The purpose section states what Congress intends; that is, that it is no longer subject to question that major league baseball players have the same rights under antitrust laws as do other professional athletes.

This is a simple proposition, yet it is indeed startling that 26 years after this brave and eloquent player, Curt Flood, stood alone before the Supreme Court

to seek an answer to a question whose answer seemed obvious to him, that it is only just now being addressed by this branch of government. I am very proud of the Congress for this.

If a court has any doubt as to the meaning or purpose of any provision of this act, it should be guided by our purpose, which is, at long last, to give the answer that Mr. Flood indeed knew to be the correct one. The legislation is not intended to have an adverse effect on any ongoing litigation nor intended to limit the ability of the United States Government to bring antitrust actions.

It is overdue. I hope it will be quickly passed for the good of the game, which has once again demonstrated why we love it, why baseball is on a resurgence, and we are just delighted that now that McGwire and Sosa have brought new enjoyment and life to the game that we now have this legislation to accompany it.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. JIM BUNNING), a member of Baseball's Hall of Fame.

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I rise in strong support of S. 53, the Curt Flood Act, named for the player who challenged the antitrust laws all the way to the Supreme Court.

Baseball is the only sport, and just about the only business in America, that is immune from the antitrust laws. Because of an outdated supreme court decision, major league baseball has been operating under a different set of rules than everyone else for the past 75 years. The legislation before us today is very simple: It provides for a limited repeal of that exemption when it comes to labor-management relations.

Baseball has had big troubles in recent years, and the antitrust exemption has been the root cause. There has been eight work stoppages in the last three decades, and it is no coincidence that baseball, the only sport that enjoyed such special treatment, has had more strikes and lockouts than all other sports combined.

After playing and managing in professional baseball for over 25 years, and serving on the Executive Board of the Players Association, I know firsthand how the exemption distorts player-owner relationships and has contributed to the turmoil in baseball. The exemption effectively removes a negotiating tool from the labor negotiating process and forces both sides to play hardball when it comes to bargaining over contracts. It removes a way for the players to push their grievances, and encourages the owners to take a hard line and reduces their incentive to compromise.

Personally, I think this exemption should be repealed altogether. Baseball is a multibillion dollar business that should have to play by the same rules as other sports and businesses. The exemption is anti-competitive and anti-American. But by passing this bill today, and partially repealing the exemption, we provide another avenue for the owners and the players to explore another way to vent steam before calling a strike or staging a lockout.

This is a bipartisan consensus bill that the Senate passed without opposition. It is supported by all of the affected parties in baseball, owners, players, and the minor leagues. Everyone agrees that it represents a positive step forward for our national pastime.

But most importantly, this legislation represents a win for the fans. Just 4 years ago the players were on strike. The world series was canceled. Baseball seemed doomed. But this year, as the gentleman from Michigan (Mr. CONYERS) has said, baseball has had a renaissance. Mark McGwire and Sammy Sosa thrilled us with the home run race. The playoffs are more exciting than ever before. And baseball is back.

Fans are returning to baseball, and passing this bill today will help ensure that the game does not spiral backwards, down into the abyss of labor strife. It will help ensure that the fans are not robbed of their right to the greatest game ever invented.

Mr. Speaker, I urge strong support for the bill.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I neglected to mention that the gentleman from Kentucky (Mr. JIM BUNNING), Hall of Famer, worked diligently on this bill with myself and the gentleman from Illinois (Mr. HYDE), and he was also a Detroit Tiger, where his greatest playing took place, and we still claim him, although he represents the great State of Kentucky. And, Mr. Speaker, he has a baseball in his hand now, as we watch.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to thank the chairman for yielding me this time, and I want to thank the gentleman from Kentucky (Mr. BUNNING) for signing my baseball and being such a great baseball hero.

I speak as a fan today. In Arkansas, we do not have major league baseball in the State, but we have minor league baseball and we have a great baseball tradition. This bill that is before us has been agreed to by the players and the owners, but, more importantly, in my judgment, it is a bill for the fans. The fans want to see the boys of summer out on the field. They want to see them play ball. This has been a great year for the fans and we want that to continue without interruption.

This bill, as has been explained, and so eloquently by the gentleman from

Michigan (Mr. CONYERS), and also by the chairman, provides baseball players with the same rights already afforded the National Football League and the National Basketball Association players. So they can act as their counterparts do in other fields of endeavor. But this also recognizes the importance of an antitrust exemption for certain aspects of the game so team owners may continue to cooperate on issues such as league expansion, franchise location and broadcast rights, without fear of lawsuit. So it protects and helps minor league baseball that is important in my State.

Mr. Speaker, baseball is America's pastime and it is my State's as well. Arkansas has produced its share of baseball greats as well, men like Lou Brock, Dizzy Dean, George Kell, and Brooks Robinson, all Hall of Famers, that have made us proud as they have carried a little bit of Arkansas to the far corners of this country.

Mr. Speaker, this is a good bill for baseball, the players and owners alike; it is a good bill for the fans, and I urge my colleagues to support it.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in support of this conference report. I do so in my capacity as chairman of the Minor League Baseball Caucus. The common thread that unites all of us in this caucus is our love for America's pastime.

I am a little bit disappointed that the two gentlemen that preceded me in the well, the gentleman from Kentucky (Mr. BUNNING), who is a member of the Baseball Hall of Fame, when he talked about the great year of 1998, I am surprised that he, a great Hall of Fame pitcher, did not mention that David Wells pitched a perfect game for the New York Yankees. The gentleman from Kentucky knows more than most that good pitching beats good hitting all the time.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Illinois.

Mr. HYDE. I would like to point out to the gentleman that the gentleman from Kentucky (Mr. BUNNING) also pitched a perfect game when he was in the major leagues.

Mr. BOEHLERT. Reclaiming my time, Mr. Speaker, the gentleman is exactly right, and I was one of the great fans cheering him on when he pitched that perfect game.

And my colleague from Arkansas neglected to mention another great Hall of Famer from his home State. Arky Vaughn.

The fact of the matter is, one of the reasons why this settlement was delayed was the genuine concern for the future of minor league baseball. Because when all is said and done, while

we are all thrilled by America's pastime, most people have to watch it on television. But across America, 35 million fans are going to the ball parks to see minor league baseball, in places like Syracuse, New York, and Utica, New York, and all over America. In Toledo, Ohio, the Mudhens. Who can forget them.

□ 2200

It is indeed America's pastime. The great concern that all of us had was the preservation of minor league baseball. I am pleased to report to my colleagues that the minor league baseball officials have worked cooperatively and they do endorse this package. It is good for baseball at all levels.

Mr. LUTHER. Mr. Speaker, in an attempt to clarify the legislative intent of S. 53, I would like to place the following Senate colloquy between Senator PAUL WELLSTONE, Judiciary Committee Chairman ORRIN HATCH and Ranking Judiciary Committee Member PATRICK LEAHY in the House record.

CURT FLOOD ACT OF 1998

Mr. WELLSTONE. Mr. President, late last night (July 30, 1998), the Senate passed by unanimous consent S. 53. I have been contacted by the Attorney General of my State, Hubert H. Humphrey III, and asked to try to clarify a technical legal point about the effect of this legislation. The State of Minnesota, through the office of Attorney General, and the Minnesota Twins are currently involved in an antitrust-related investigation. It is my understanding that S. 53 will have no impact on this investigation or any litigation arising out of the investigation.

Mr. HATCH. That is correct. The bill simply makes it clear that major league baseball players have the same rights under the antitrust laws as do other professional athletes. The bill does not change current law in any other context or with respect to any other person or entity.

Mr. WELLSTONE. Thank you for that clarification. I also note that several lower courts have recently found that baseball currently enjoys only a narrow exemption from antitrust laws and that this exemption applies only to the reserve system. For example, the Florida Supreme Court in *Butterworth v. National League*, 644 So.2d 1021 (Fla. 1994), the U.S. District Court in Pennsylvania in *Piazza v. Major League Baseball*, 831 F. Supp. 420 (E.D. Pa. 1993) and a Minnesota State court in a case involving the Twins have all held the baseball exemption from antitrust laws is now limited only to the reserve system. It is my understanding that S. 53 will have no effect on the courts' ultimate resolution of the scope of the antitrust exemption on matters beyond those related to owner-player relations at the major league level.

Mr. HATCH. That is correct. S. 53 is intended to have no effect other than to clarify the status of major league players under the antitrust laws. With regard to all other context or other persons or entities, the law will be the same after passage of the Act as it is today.

Mr. LEAHY. I concur with the statement of the Chairman of the Committee. The bill affects no pending or decided cases except to the extent that courts have exempted major league baseball clubs from the antitrust laws in their dealings with major league players. In fact, Section 3 of the legislation makes clear that the law is unchanged with regard to issues such as relocation. The bill has no impact on the recent decisions in federal and state courts in Florida, Pennsylvania and

Minnesota concerning baseball's status under the antitrust laws.

Mr. WELLSTONE. I thank the Senator. I call to my colleagues attention the decision in *Minnesota Twins v. State by Humphrey*, No. 62-CX-98-568 (Minn. dist. Court, 2d Judicial dist., Ramsey County April 20, 1998) reprinted in 1998-1 Trade Cases (CCH) 72,136.

Mr. BILIRAKIS. Mr. Speaker, I rise to support S. 53, the Curt Flood Act, which gives major league baseball players the same rights other professional athletes have under antitrust laws.

As a longtime proponent of lifting baseball's antitrust exemption, I have sponsored bills in the past to lift this exemption completely as it applies to all aspects of baseball's business. Although the bill we are considering now is more limited in scope, it is an important first step in correcting a seven decade-old mistake.

Federal antitrust laws prohibit businesses from taking actions that "unreasonably" constrain interstate commerce. However, many years ago Major League Baseball was singled out for a complete exemption from America's antitrust laws by the Supreme Court. The Court said baseball was an amusement and not a business, exempting it from antitrust laws. This exemption created a monopoly for baseball and established artificial barriers to league expansion. It sent the wrong signal to Americans that baseball did not have to comply with our country's antitrust laws.

In 1972, the Supreme Court called the situation an "anomaly" and an "aberration" which Congress should remedy. A 1976 report by the House Select Committee on Professional Sports concluded that there was no justification for baseball's special exemption. Unfortunately, no action was ever taken.

Mr. Speaker, baseball has seen a resurgence since the dark days of the 1994 strike. Who can forget Cal Ripken's triumphant lap around Camden Yards after breaking Lou Gehrig's Iron Man streak of consecutive games played? Or the incredible home run chase this year between Mark McGwire and Sammy Sosa that culminated in both players smashing the thirty-seven-year home run record held by Roger Maris?

I felt immense personal pride when I watched my hometown team, the Tampa Bay Devil Rays, take the field for their inaugural season at Tropicana field. The debut of a major league team in the Tampa-St. Petersburg area was delayed for years because Major League Baseball did not have to abide by our nation's antitrust laws.

I urge my colleagues to support S. 53 because it makes baseball live by the same laws as the fans who sit in the bleachers. It tells baseball fans that competition and fairness in baseball boardrooms is just as important as it is on the field. Let's give America its game back.

Mr. CHABOT. Mr. Speaker, the legislation before us today is the result of a negotiation resulting in a compromise among the union that represents major league players, the owners of major league baseball clubs, and by the owners of minor league baseball teams affiliated with major league clubs. The compromise addresses only the limited area of the labor relations of major league players at the major league level. The bill does not affect any other aspect of the organized baseball exemption. Also, the legislation does not change in any way the antitrust exemption for the major league players union or the major league

clubs in the collective bargaining process provided by the nonstatutory labor antitrust exemption available to all unions and employers.

The legislation is a success because it has been carefully crafted to make clear that only major league baseball players, and no other party, can bring suit under this amendment to the Clayton Act.

This protection will help to ensure the continued viability of minor league baseball.

Minor league baseball owners were concerned that any legislation preserve the antitrust protections for the historic relationship between the major league clubs and the minor league clubs. The minor league owners were particularly concerned about the work rules and terms of employment that impact both major league and minor league baseball players. The language of the bill guarantee that neither major league players nor minor league players can use subsection (a) of new section 27 of the Clayton Act to attack conduct, acts, practices or agreements designed to apply only to minor league employment.

I believe the compromise is successful because it protects minor league baseball by barring minor league players or amateur players from using the antitrust laws to attack issues unique to the continued economic success of minor league baseball.

Mr. CLAY. Mr. Speaker, I rise in strong support of S. 53, the "Curt Flood Act of 1998." This is the Senate counterpart of H.R. 21, legislation I introduced in the each of the last two Congresses providing for the partial repeal of baseball's antitrust exemption. I'd like to thank Chairman Hyde for his leadership in seeing that this vital and long overdue legislation reached the House Floor.

Professional baseball is the only industry in the United States exempt from antitrust laws without being subject to alternative regulatory supervision. This circumstance resulted from an erroneous 1922 Supreme Court decision holding that baseball did not involve "interstate commerce" and was therefore beyond the reach of the antitrust laws. Congress has failed to overturn this decision despite subsequent court decisions holding that the other professional sports were fully subject to the antitrust laws.

There may have been a time when baseball's unique treatment was a source of pride and distinction for the many loyal fans who loved our national pastime. But with baseball suffering more work stoppages over the last 25 years than all of the other professional sports combined—including the 1994-95 strike which ended the possibility of a World Series for the first time in 90 years and deprived our cities of thousands of jobs and millions of dollars in tax revenues—we can no longer afford to treat professional baseball in a manner enjoyed by no other professional sport.

Because concerns have previously been raised that by repealing the antitrust exemption we could somehow be disrupting the operation of the minor leagues, or professional baseball's ability to limit franchise relocation, the legislation carefully eliminates these matters from the scope of the new antitrust coverage.

In the past, some in Congress had objected to legislating in this area because of their hesitancy to take any action which could impact the ongoing labor dispute. But because the owners and players have recently agreed to enter into a new collective bargaining agree-

ment, this objection no longer exists. In addition, the baseball owners are now in full support of this legislation as are the Major League Players Association.

I originally introduced the House version of the bill as H.R. 21, in honor of the courageous center fielder, Curt Flood, who passed away earlier this year on January 21. Mr. Flood, one of the greatest players of his time, risked his career when he challenged baseball's reserve clause after he was traded from the St. Louis Cardinals to the Philadelphia Phillies. Although the Supreme Court rejected Flood's challenge in 1972, we all owe a debt of gratitude for his willingness to challenge the baseball oligarchy.

This bill has gone through many iterations over the years, beginning with its first enactment by the House Judiciary Committee at the end of the 103d Congress. That legislation was introduced by my former colleague Mike Synar.

In order to address the concern of the minor leagues, it contains many redundancies. Accordingly, a court may have questions about how the provisions of this bill interrelate. Any court facing such questions would be well-advised to return to the purpose section of the bill for aid in interpretation. The purpose section is the statement of what Congress intends the bundle of works now known as the "Curt Flood Act of 1998" to mean—that is, it is no longer subject to question that major league baseball players have the same rights under the antitrust laws as do other professional athletes. That is a simple proposition, yet it is indeed startling that 26 years after a brave and eloquent player stood alone before the Supreme Court to seek an answer that was obvious to him, it is only now being addressed directly by any branch of the United States government. If a court has any doubt as to the meaning or purpose of any provision of this new Act, it should be guided by our purpose which is at long last to give the answer Mr. Flood knew to be the correct one. This legislation is not intended to have any adverse effect on any ongoing litigation nor is it intended to limit the ability of the United States to bring antitrust actions.

Mr. Speaker, this bill is long overdue. I hope the House will act quickly to pass it for the good of the game, which has once again demonstrated why we love it, and for the good of the fans, who deserve to enjoy the national pastime without the continuous interruptions that have become nearly as predictable and plentiful, as McGwire or Sosa home runs.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 53.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 505) to amend