The United States, to maintain its credibility and honor among its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States aircraft; A high-level delegation, including the U.S. Ambassador to Italy, recently visited Cavalese and, as a result, 20 million dollars was paid to the people in Cavalese for their property damage and business losses; Without our prompt action, these families continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability.

Under the current arrangement we have with Italy in the context of our Status of Forces Agreement (SOFA), civil claims arising from the accident at Cavalese must be brought against the Government of Italy, in accordance with the laws and regulations of Italy, as if the armed forces of Italy had been responsible for the accident; Under Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim for damages with the Ministry of Defense, which is responsible for the accident at Cavalese. The Ministry must then refer the claim to the Italian court system, where civil cases for wrongful death are reported to take up to ten years to resolve; While the SOFA process, the United States—as the “sending state”—will be responsible for 75 percent of any damages awarded, and the Government of Italy—as the “receiving state”—will be responsible for 25 percent. The United States has agreed to pay all damages awarded in this case; It is the Sense of the Congress that the United States should resolve the claims of the victims of the February 8, 1998 U.S. Marine Corps aircraft incident in Cavalese, Italy as quickly and fairly as possible.

LEAHY AMENDMENT NO. 3477
Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 2132, supra; as follows:

At the appropriate place in the bill, insert the following:

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 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 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 ANTI-TRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. §1 et seq.) is amended by adding at the end the following new section:

“SEC. 27. (a) Subject to subsections (b) through (d) below, 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 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 league's organized professional athletes, along with a provision that makes 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.

“(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 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;

“(4) 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 Owners 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 of organized professional baseball teams individually or collectively;”
(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;

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

(b) Major league baseball players have standing to sue under this section. For the purposes of this section, a major league baseball player is a person who:

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

(2) is 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;

(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 purposes of this paragraph, an 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 the attempt or effort to play baseball at the major league level, including any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

(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 major league agreement with the clubs of those leagues, or any organized professional major league baseball and the exclusive collective bargaining representative of major league baseball players.

"(d) 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 the major leagues are not, and shall not be treated as, persons 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 (d), only those conduct, acts, practices or agreements that directly relate to or affect employment of major league baseball players to play baseball at the minor 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 29 U.S.C. § 151 et seq. (as amended).

(4) Nothing in this section shall be construed to prohibit 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.