

104TH CONGRESS  
1ST SESSION

# H. R. 870

To resolve the current labor dispute involving Major League Baseball, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1995

Mr. WILLIAMS (for himself and Mr. BONIOR) introduced the following bill;  
which was referred to the Committee on Economic and Educational Op-  
portunities

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## A BILL

To resolve the current labor dispute involving Major League  
Baseball, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Major League Baseball  
5 Restoration Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) Major League Baseball is a multibillion dol-  
9 lar activity that affects both interstate and foreign  
10 commerce;

1           (2) the Major League Baseball labor-manage-  
2           ment dispute caused the premature termination of  
3           the 1994 baseball season, the cancellation of the  
4           1994 League Championship Series and the 1994  
5           World Series, and threatens the 1995 spring train-  
6           ing and baseball season;

7           (3) the dispute has caused serious economic  
8           damage to the cities and communities in which  
9           major league franchises are located and threatens to  
10          economically damage the communities that host  
11          spring training;

12          (4) many American workers who are not parties  
13          to the negotiation depend on Major League Baseball  
14          for an essential part of their livelihood;

15          (5) after a year of contentious negotiations, the  
16          parties to the dispute appear to be incapable of  
17          reaching a settlement on their own, even with the  
18          assistance of skilled mediation;

19          (6) because of its unique history and tradition,  
20          Major League Baseball occupies a special place in  
21          the lives of Americans, and particularly its youth;  
22          and

23          (7) apart from its economic significance, the  
24          impact of Major League Baseball on American life

1 makes it especially important that it be played by  
2 the best possible players.

3 **SEC. 3. PURPOSE.**

4 It is the purpose of this Act to provide for a fair and  
5 equitable settlement of the Major League Baseball dis-  
6 pute, to prevent the continued economic loss to individuals  
7 not involved in the negotiations whose livelihoods depend  
8 on baseball being played, to prevent burgeoning losses to  
9 the communities that host Major League Baseball, and to  
10 preserve the majesty of the game.

11 **SEC. 4. ESTABLISHMENT OF NATIONAL BASEBALL DIS-**  
12 **PUTE RESOLUTION PANEL.**

13 (a) IN GENERAL.—There is established a National  
14 Baseball Dispute Resolution Panel to resolve the current  
15 dispute between the American League of Professional  
16 Baseball Clubs, the National League of Professional Base-  
17 ball Clubs, and the Major League Baseball Players Asso-  
18 ciation. The Panel shall be composed of three members  
19 appointed by the President. The President shall select  
20 members from among impartial persons with expertise as  
21 neutrals in the resolution of labor-management disputes.  
22 He shall appoint one member of the Panel to serve as  
23 Chair.

1 (b) QUORUM.—Two members of the Panel shall con-  
2 stitute a quorum, and the vote of at least two member  
3 shall be required for the Panel to take any action.

4 (c) COMPENSATION.—Each member of the Panel  
5 shall receive compensation at the daily equivalent of the  
6 rate specified for level V of the Executive Schedule under  
7 section 5316 of title 5 for each day the member is engaged  
8 in the performance of duties for the Panel, including at-  
9 tendance at meetings, hearings, and travel to conduct the  
10 duties of the Panel.

11 (d) TRAVEL EXPENSES.—Each member of the Panel  
12 shall receive travel expenses, including per diem in lieu  
13 of subsistence, at rates authorized for employees of agen-  
14 cies under subchapter I of chapter 57 of title 5, United  
15 States Code, for each day the member is engaged in the  
16 performance of duties of the Panel away from the home  
17 or regular place of business of the member.

18 (e) EMPLOYMENT STATUS.—Members of the Panel  
19 shall be deemed employees of the United States only on  
20 those days during which they perform services for the  
21 Panel.

22 (f) CONFLICT OF INTEREST.—No individual shall be  
23 selected as a member of the Panel under subsection (a)  
24 who is pecuniarily interested in:

25 (1) the ownership of major league baseball;

1           (2) any organization of employees or owners  
2 that is involved in the current dispute; or

3           (3) any individual or entity that derives sub-  
4 stantial revenues from major league baseball.

5           (g) AUTHORITY.—

6           (1) The Panel shall have the power to take tes-  
7 timony under oath, to conduct hearings, and to issue  
8 subpoenas requiring the attendance and testimony of  
9 witnesses or the production of books and records.  
10 The parties appearing before the Panel may be rep-  
11 resented by counsel.

12           (2) In the case of contumacy or refusal by any  
13 person to obey a subpoena issued pursuant to this  
14 subsection, any district court of the United States or  
15 the United States courts of any territory or posses-  
16 sion, or the United States District Court for the  
17 District of Columbia, within the jurisdiction of which  
18 such person is found, resides, or transacts business,  
19 upon application of the Panel shall have jurisdiction  
20 to issue an order requiring such person to appear  
21 before the Panel, produce evidence, or give testimony  
22 related to the Panel's inquiries. Any failure to obey  
23 such order of the court may be punished by the  
24 court as a contempt thereof.

25           (h) DECISION.—

1           (1) The Panel shall, as expeditiously as possible,  
2           issue a decision, setting forth the terms of an  
3           agreement which, in its discretion, it determines to  
4           be appropriate to serve as the binding agreement between  
5           the parties to the current labor-management  
6           dispute affecting Major League Baseball. In arriving  
7           at its decision, the Panel may consider the following  
8           factors:

9                   (A) The unique status of major league  
10                  baseball.

11                  (B) The history of collective bargaining  
12                  agreements between the parties.

13                  (C) The changes in circumstances of the  
14                  parties.

15                  (D) The owners' ability to pay.

16                  (E) The best interests of baseball.

17                  (F) The desirability of stability in the industry.  
18

19                  (G) The impact on communities that benefit  
20                  from Major League Baseball.

21                  (H) Other factors considered by collective  
22                  bargaining arbitration panels, if applicable  
23                  given the history of Major League Baseball and  
24                  past collective bargaining between the parties.

1           (2) For the purposes of arriving at its decision,  
2           the Panel shall hold such hearings and obtain such  
3           information as it may deem appropriate.

4           (i) EFFECT OF DECISION.—The agreement pre-  
5           scribed by the Panel under this section shall be final and  
6           binding on the parties and shall have the same effect as  
7           though arrived at by agreement of the parties under the  
8           Labor Management Relations Act, 1947, as amended, 29  
9           U.S.C. 141 et seq.

10   **SEC. 5. PRECLUSION OF JUDICIAL REVIEW.**

11           There shall be no judicial review of any decision of  
12           the Panel under this Act.

13   **SEC. 6. ADMINISTRATIVE PROVISIONS.**

14           (a) DETAIL OF FEDERAL EMPLOYEES.—On the re-  
15           quest of the Chairperson of the Panel, the head of any  
16           Federal agency shall detail, or otherwise make available  
17           without reimbursement, any of the personnel of the agency  
18           to the Panel to assist it in carrying out its duties under  
19           this Act. Any detail shall not interrupt or otherwise affect  
20           the civil service status or privileges of the Federal em-  
21           ployee.

22           (b) USE OF FACILITIES.—The Panel may, without  
23           reimbursement, use the research, equipment, services, re-  
24           sources, and facilities of any agency or instrumentality of  
25           the United States, with the consent of such agency.

1           (c) **ROLE OF THE FEDERAL MEDIATION AND CON-**  
2 **CILIATION SERVICE.**—The Federal Mediation and Concil-  
3 iation Service shall provide such administrative support,  
4 resources, and services as may be necessary to carry out  
5 this Act. It is authorized and directed to utilize its appro-  
6 priated funds to pay the salary and expenses of Panel  
7 members, as provided in this Act.

8 **SEC. 7. TERMINATION.**

9           The responsibilities of the Panel shall terminate upon  
10 its rendering of a decision under section 4(h).

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