AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

104th Congress, 1st Session – – – – – – – – – – – – – – House Document 104–30

PROPOSED LEGISLATION: "MAJOR LEAGUE BASEBALL RESTORATION ACT"

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION ENTITLED, "MAJOR LEAGUE BASEBALL RESTORATION ACT"



FEBRUARY 8, 1995.—Message and accompanying papers referred to the Committee on Economic and Educational Opportunities and ordered to be printed

---

U.S. GOVERNMENT PRINTING OFFICE

99–011 WASHINGTON : 1995

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Major League Baseball Restoration Act." This legislation would provide for a fair and prompt settlement of the ongoing labor-management dispute affecting Major League Baseball.

Major League Baseball has historically occupied a unique place in American life. The parties to the current contentious dispute have been unable to resolve their differences, despite many months of negotiations and the assistance of one of this country's most skilled mediators. If the dispute is permitted to continue, there is likely to be substantial economic damage to the cities and communities in which major league franchises are located and to the communities that host spring training. The ongoing dispute also threatens further serious harm to an important national institution.

The bill I am transmitting today is a simple one. It would authorize the President to appoint a 3-member National Baseball Dispute Resolution Panel. This Panel of impartial and skilled arbitrators would be empowered to gather information from all sides and impose a binding agreement on the parties. The Panel would be urged to act as quickly as possible. Its decision would not be subject to judicial review.

In arriving at a fair settlement, the Panel would consider a number of factors affecting the parties, but it could also take into account the effect on the public and the best interests of the game.

The Panel would be given sufficient tools to do its job, without the need for further appropriations. Primary support for its activities would come from the Federal Mediation and Conciliation Service, but other agencies would also be authorized to provide needed support.

The dispute now affecting Major League Baseball has been a protracted one, and I believe that the time has come to take action. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1995.*

A BILL To resolve the current labor dispute involving major league baseball, and for other purposes

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 "Major League Baseball Restoration Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Major League Baseball is a multi-billion dollar activity that affects both interstate and foreign commerce;

(2) the Major League Baseball labor-management dispute caused the premature termination of the 1994 baseball season, the cancellation of the 1994 League Championship Series and the 1994 World Series, and threatens the 1995 spring training and baseball season;

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

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

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

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

(7) apart from its economic significance, the impact of Major League Baseball on American life makes it especially important that it be played by the best possible players.

SEC. 3. PURPOSE.

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

SEC. 4. ESTABLISHMENT OF NATIONAL BASEBALL DISPUTE RESOLUTION PANEL.

(a) IN GENERAL.—There is established a National Baseball Dispute Resolution Panel to resolve the current dispute between the American League of Professional Baseball Clubs, the National League of Professional Baseball Clubs, and the Major League Baseball Players Association. The Panel shall be composed of 3 mem-

bers appointed by the President. The President shall select members from among impartial persons with expertise as neutrals in the resolution of labor-management disputes. He shall appoint one member of the Panel to serve as Chair.

(b) QUORUM.—Two members of the Panel shall constitute a quorum, and the vote of at least two members shall be required for the Panel to take any action.

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

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

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

(f) CONFLICT OF INTEREST.—No individual shall be selected as a member of the Panel under subsection (a) who is pecuniarily interested in: (1) the ownership of Major League Baseball; (2) any organization of employees or owners that is involved in the current dispute; or (3) any individual or entity that derives substantial revenues from Major League Baseball.

(g) AUTHORITY.—

(1) The Panel shall have the power to take testimony under oath, to conduct hearings, and to issue subpoenas requiring the attendance and testimony of witnesses or the production of books and records. The parties appearing before the Panel may be represented by counsel.

(2) In the case of contumacy or refusal by any person to obey a subpoena issued pursuant to this subsection, any district court of the United States or the United States courts of any Territory or possession, or the United States District Court for the District of Columbia, within the jurisdiction of which such person is found, resides, or transacts business, upon application of the Panel shall have jurisdiction to issue an order requiring such person to appear before the Panel, produce evidence, or give testimony related to the Panel's inquiries. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(h) DECISION.—

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

(A) the unique status of Major League Baseball;

(B) the history of collective bargaining agreements between the parties;

(C) the changes in circumstances of the parties;

(D) the economics of the industry, including the owners' ability to pay;

(E) the best interests of baseball;

(F) the desirability of stability in the industry;

(G) the impact on communities that benefit from Major League Baseball; and

(H) other factors that it deems appropriate, including those traditionally considered by arbitration panels if applicable given the history of Major League Baseball and past collective bargaining between the parties.

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

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

SEC. 5. PRECLUSION OF JUDICIAL REVIEW.

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

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Panel, the head of any Federal agency may detail, or otherwise make available without reimbursement, any of the personnel of the agency to the Panel to assist it in carrying out its duties under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(b) USE OF FACILITIES.—The Panel may, without reimbursement, use the research, equipment, services, resources, and facilities of any agency or instrumentality of the United States, with the consent of such agency or instrumentality.

(c) ROLE OF THE FEDERAL MEDIATION AND CONCILIATION SERVICE.—The Federal Mediation and Conciliation Service shall provide without reimbursement such administrative support, resources, and services as may be necessary to carry out this Act. It is authorized and directed to utilize its appropriated funds to pay the salary and expenses of Panel members, as provided in this Act.

SEC. 7. TERMINATION.

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

○