

Union Calendar No. 488

103^D CONGRESS
2^D SESSION

H. R. 4994

[Report No. 103-871]

To apply the antitrust laws of the United States to major league baseball.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 18, 1994

Mr. SYNAR (for himself, Mr. BUNNING, Mr. OWENS, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on the Judiciary

NOVEMBER 29, 1994

Additional sponsors: Mr. WILLIAMS, Mr. GORDON, and Mr. SANDERS

NOVEMBER 29, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To apply the antitrust laws of the United States to major league baseball.

1 *Be it enacted by the Senate and House of Represent-*
2 *atives of the United States of America in Congress assem-*
3 *bled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Baseball Fans and
3 Communities Protection Act of 1994”.

4 **SEC. 2. PURPOSE.**

5 It is the purpose of the amendment made by section
6 3 to encourage serious negotiations between the major
7 league baseball players and the owners of major league
8 baseball, to prevent the continued economic loss to individ-
9 uals not involved in the negotiations whose livelihood de-
10 pends on baseball being played, to prevent ongoing losses
11 to those communities that host major league baseball, and
12 to preserve the remainder of the season, the playoffs, and
13 the World Series for the fans of baseball.

14 **SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO MAJOR**
15 **LEAGUE BASEBALL IN EXCEPTIONAL AND EX-**
16 **TRAORDINARY CIRCUMSTANCES.**

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

19 “SEC. 27. (a) In the event that unilateral terms or
20 conditions are imposed by any party that has been subject
21 to an agreement between the owners of major league base-
22 ball and the labor organization representing the players
23 of major league baseball, the antitrust laws shall apply to
24 such terms and conditions and such terms and conditions
25 may be challenged by any party to such agreement in any

1 district court of the United States for the district in which
2 one of the parties is doing business.

3 ~~“(b) If, prior to the mutual adoption of an agreement~~
4 ~~between the owners of major league baseball and the labor~~
5 ~~organization representing the players of major league~~
6 ~~baseball that replaces the basic agreement between the~~
7 ~~parties that expired on December 31, 1993, unilateral~~
8 ~~terms and conditions are imposed by any party to the~~
9 ~~prior agreement, and those terms and conditions are chal-~~
10 ~~lenged in a court action in accordance with subsection (a),~~
11 ~~the application of such unilaterally imposed terms and~~
12 ~~conditions shall be stayed during the pendency of any such~~
13 ~~action or appeal therefrom.~~

14 ~~“(c) The term ‘terms and conditions’ shall not include~~
15 ~~either a strike or a lockout.”.~~

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Baseball Fans and Com-*
18 *munities Protection Act of 1994”.*

19 **SEC. 2. APPLICATION OF THE ANTITRUST LAWS TO MAJOR**
20 **LEAGUE BASEBALL IN EXCEPTIONAL AND EX-**
21 **TRAORDINARY CIRCUMSTANCES.**

22 *The Clayton Act (15 U.S.C. 12 et seq.) is amended by*
23 *adding at the end the following:*

24 *“SEC. 27. (a) If unilateral terms and conditions of em-*
25 *ployment in restraint of trade or commerce are imposed by*

1 *any party that has been subject to an agreement between*
2 *2 or more major league baseball clubs and the labor organi-*
3 *zation representing the players of major league baseball,*
4 *such unilateral imposition shall be subject to the antitrust*
5 *laws.*

6 *“(b) Subsection (a) shall not apply to a term or condi-*
7 *tion imposed solely with respect to a professional baseball*
8 *player who is a party to a uniform player contract that*
9 *is assigned, at the time the imposition described in such*
10 *subsection occurs, to a baseball club that is not a major*
11 *league professional baseball club.*

12 *“(c) This section shall not be construed to modify, im-*
13 *pair, or supersede the operation of—*

14 *“(1) the Act of September 30, 1961 (Public Law*
15 *87-331; 15 U.S.C. 1291 et seq.), or*

16 *“(2) any Federal statute relating to labor rela-*
17 *tions.*

18 *“(d) For purposes of this section, the term ‘terms and*
19 *conditions’ does not include a strike or a lockout.”.*

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