

104TH CONGRESS
1ST SESSION

S. 415

To apply the antitrust laws to major league baseball in certain circumstances,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14 (legislative day, JANUARY 30), 1995

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN)
introduced the following bill; which was read twice and referred to the
Committee on the Judiciary

A BILL

To apply the antitrust laws to major league baseball in
certain circumstances, 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 shall be known as the “Professional Base-
5 ball Antitrust Reform Act of 1995”.

6 **SEC. 2. APPLICATION OF THE ANTITRUST LAWS TO PRO-**
7 **FESSIONAL MAJOR LEAGUE BASEBALL.**

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

1 **“SEC. 27. APPLICATION OF THE ANTITRUST LAWS.**

2 “(a) IN GENERAL.—The antitrust laws shall apply
3 to the business of organized professional major league
4 baseball with respect to labor relations between labor and
5 management (including agreements between the labor or-
6 ganization representing the players of professional major
7 league baseball and the owners of professional major
8 league teams and agreements between such individual
9 owners and players).

10 “(b) RULES OF CONSTRUCTION.—Nothing in this
11 section shall be construed to affect—

12 “(1) the outcome of any antitrust litigation
13 based on any area or activity of the business of pro-
14 fessional baseball other than the area of, or an activ-
15 ity relating to, relations between labor and manage-
16 ment of major league baseball;

17 “(2) the application of Public Law 87–331 (15
18 U.S.C. 1291 et seq.) (commonly known as the
19 ‘Sports Broadcasting Act of 1961’); or

20 “(3) the applicability or nonapplicability of the
21 antitrust laws to professional baseball’s amateur
22 draft, the minor league reserve clause, the Profes-
23 sional Baseball Agreement, or any other matter re-
24 lating to the minor leagues.

1 **“SEC. 28. THE NONSTATUTORY LABOR EXEMPTION.**

2 “(a) IN GENERAL.—The nonstatutory labor exemp-
3 tion from the antitrust laws shall not apply to any term
4 or condition that—

5 “(1) is unilaterally imposed or maintained by
6 any party that has been subject to an agreement be-
7 tween the owners of major league baseball and the
8 labor organization representing the players of major
9 league baseball; and

10 “(2) differs substantially from the provisions of
11 the basic agreement between the two parties that ex-
12 pired on December 31, 1993.

13 “(b) RULES OF CONSTRUCTION.—

14 “(1) IN GENERAL.—Nothing in this section
15 shall otherwise be construed to affect the scope or
16 application of the nonstatutory labor exemption from
17 the antitrust laws.

18 “(2) DEFINITION.—As used in this section,
19 ‘term or condition’ does not include a strike or lock-
20 out.

21 “(c) TERMINATION.—Subsection (a) shall not apply
22 to conduct that is incidental to, or that occurs after, the
23 mutual adoption of an agreement between the owners of
24 major league baseball and the labor organization rep-
25 resenting the players of major league baseball to replace
26 the basic agreement between the two parties that expired

- 1 on December 31, 1993, but shall apply to other conduct
- 2 occurring before the adoption of such an agreement.”.

