

114TH CONGRESS
1ST SESSION

S. _____

To decrease the frequency of sports blackouts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To decrease the frequency of sports blackouts, 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 “Furthering Access and
5 Networks for Sports Act” or the “FANS Act”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “Sports Broadcasting Act of
8 1961” means the Act of September 30, 1961 (15 U.S.C.
9 1291 et seq.).

1 **SEC. 3. AMENDMENTS TO THE SPORTS BROADCASTING ACT**
2 **OF 1961.**

3 (a) **ELIMINATION OF ANTITRUST EXEMPTION FOR**
4 **SPORTS BLACKOUTS DURING RETRANSMISSION CONSENT**
5 **NEGOTIATIONS.**—Section 1 of the Sports Broadcasting
6 Act of 1961 (15 U.S.C. 1291) is amended by adding at
7 the end the following: “The antitrust exemption estab-
8 lished under this section shall not apply, and the antitrust
9 laws shall apply, to any league of clubs participating in
10 professional football, baseball, basketball, or hockey con-
11 tests to the extent that the league does not expressly pro-
12 hibit sponsored telecast licensees of such league, and any
13 agreement with any video licensee, from intentionally re-
14 moving the live content of such league from a multichannel
15 video programming distributor (as defined in section 602
16 of the Communications Act of 1934 (47 U.S.C. 522)),
17 when such removal occurs during or is related to a nego-
18 tiation regarding carriage of the games of such league by
19 the multichannel video programming distributor.”.

20 (b) **ELIMINATION OF ANTITRUST EXEMPTION FOR**
21 **LOCAL SPORTS BLACKOUTS.**—Section 2 of the Sports
22 Broadcasting Act of 1961 (15 U.S.C. 1292) is amended
23 by striking “, except within the home territory of a mem-
24 ber club of the league on a day when such club is playing
25 a game at home”.

1 (c) AVAILABILITY OF GAMES OVER THE INTERNET
2 WHERE NOT OTHERWISE AVAILABLE ON TELEVISION.—

3 The Sports Broadcasting Act of 1961 is amended—

4 (1) by redesignating sections 4 through 6 as
5 sections 5 through 7, respectively; and

6 (2) by inserting after section 3 the following:

7 “SEC. 4.

8 “(a) The antitrust exemption established under sec-
9 tion 1 of this Act shall not apply, and the antitrust laws
10 shall apply, to any league of clubs participating in profes-
11 sional football, baseball, basketball, or hockey contests to
12 the extent that the league does not make a sponsored tele-
13 cast of a covered game available to consumers, for a fee
14 or otherwise, using an Internet platform, in any territory
15 in which the game is not available for private viewing
16 through a local television broadcast station or any avail-
17 able multichannel video programming distributor.

18 “(b) For purposes of this section—

19 “(1) the term ‘covered game’ means a game
20 that—

21 “(A) is played in the home territory of a
22 member club of a league described in subsection
23 (a); and

24 “(B) is not available for private viewing
25 through a local television broadcast station or

1 any available multichannel video programming
2 distributor;

3 “(2) the term ‘multichannel video programming
4 distributor’ has the meaning given the term in sec-
5 tion 602 of the Communications Act of 1934 (47
6 U.S.C. 522);

7 “(3) the term ‘television broadcast station’ has
8 the meaning given the term in section 325(b)(7) of
9 the Communications Act of 1934 (47 U.S.C.
10 325(b)(7)); and

11 “(4) the term ‘Internet platform’ means a deliv-
12 ery mechanism that uses packet-switched protocol or
13 any successor technology.”.

14 **SEC. 4. EFFECTIVE DATE; APPLICABILITY.**

15 The amendments made by this Act shall—

16 (1) take effect on the date of enactment of this
17 Act; and

18 (2) apply to any contract or agreement entered
19 into or modified by a league subject to the require-
20 ments of the Sports Broadcasting Act of 1961 on or
21 after the date of enactment of this Act.