

114TH CONGRESS
1ST SESSION

S. 2414

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2015

Mr. BLUMENTHAL (for himself and Mr. MCCAIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

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.

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