To decrease the frequency of sports blackouts, to require the application of the antitrust laws to Major League Baseball, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To decrease the frequency of sports blackouts, to require the application of the antitrust laws to Major League Baseball, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Furthering Access and Networks for Sports Act” or the “FANS Act”.

SEC. 2. DEFINITION.

SEC. 3. AMENDMENTS TO THE SPORTS BROADCASTING ACT
OF 1961.

(a) Elimination of Antitrust Exemption for Sports Blackouts During Retransmission Consent Negotiations.—Section 1 of the Sports Broadcasting Act of 1961 (15 U.S.C. 1291) is amended by adding at the end the following: “The antitrust exemption established under this section shall not apply to any league of clubs participating in professional football, baseball, basketball, or hockey contests that does not expressly prohibit sponsored telecast licensees of such league, and any agreement with any video licensee, from intentionally removing the live content of such league from a multichannel video programming distributor (as defined in section 602 of the Communications Act of 1934 (47 U.S.C. 522)), when such removal occurs during or is related to a negotiation regarding carriage of the games of such league by the multichannel video programming distributor.”.

(b) Elimination of Antitrust Exemption for Local Sports Blackouts.—Section 2 of the Sports Broadcasting Act of 1961 (15 U.S.C. 1292) is amended by striking “, except within the home territory of a member club of the league on a day when such club is playing a game at home”.

The Sports Broadcasting Act of 1961 is amended—

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

2. by inserting after section 3 the following:

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"Sec. 4.

(a) The antitrust exemption established under section 1 of this Act shall not apply to any league of clubs participating in professional football, baseball, basketball, or hockey contests that does not make a sponsored telecast of a covered game available to consumers, for a fee or otherwise, using an Internet platform, in any territory in which the game is not available for private viewing through a local television broadcast station or any available multichannel video programming distributor.

(b) For purposes of this section—

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

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

(B) is not available for private viewing through a local television broadcast station or
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any available multichannel video programming distributor;

“(2) the term ‘multichannel video programming distributor’ has the meaning given the term in section 602 of the Communications Act of 1934 (47 U.S.C. 522);

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

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

SEC. 4. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

Section 27 of the Clayton Act (15 U.S.C. 26b) is amended—

(1) in subsection (a)—

(A) by striking “subsections (b) through (d)” and inserting “subsections (b) and (c)”;

and

(B) by striking “directly relating to or affecting employment of major league baseball players to play baseball at the major league level”;
(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “‘any conduct, acts, practices or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to’’;

(B) in paragraph (3)—

(i) by inserting “‘or’ before “franchise ownership”; and

(ii) by striking “‘the relationship” and all that follows through “collectively’’;

(C) by striking paragraph (4); and

(D) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as subsection (c).

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

The amendments made by this Act shall—

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

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