

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To improve the access of consumers to professional sports broadcasts, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Ms. BALDWIN introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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## A BILL

To improve the access of consumers to professional sports  
broadcasts, 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 “For the Fans Act”.

5 **SEC. 2. ACCESS TO STREAMING OF LIVE GAMES.**

6 (a) DEFINITIONS.—In this Act:

7 (1) LEAGUE.—The term “league” means a pro-  
8 fessional sports team organization in the United  
9 States for any of the following sports:

10 (A) Baseball.

1 (B) Basketball.

2 (C) Football.

3 (D) Hockey.

4 (E) Soccer.

5 (F) Any other sport determined by the  
6 Federal Trade Commission, pursuant to a rule  
7 promulgated in accordance with section 553 of  
8 title 5, United States Code.

9 (2) LEAGUE STREAMER.—The term “league  
10 streamer” means a streaming subscription service  
11 streaming the games of a league that—

12 (A) has the name of the league in the title  
13 of the streaming subscription service;

14 (B) is promoted by the league;

15 (C) has an agreement with the league to  
16 receive a portion of proceeds from streaming  
17 the majority of the games of the league; or

18 (D) meets any other requirement, as deter-  
19 mined by the Federal Trade Commission, pur-  
20 suant to a rule promulgated in accordance with  
21 section 553 of title 5, United States Code.

22 (3) LOCAL FAN.—The term “local fan”, with  
23 respect to a league team, means an individual lo-  
24 cated in the same State as the league team team, or

1 in any other locality determined by the Federal  
2 Communications Commission.

3 (b) NO BLACKOUTS.—

4 (1) IN GENERAL.—A league streamer shall pro-  
5 vide to customers of the league streamer access to  
6 view live every game of the league without imple-  
7 menting any kind of blackout for consumers, includ-  
8 ing a geographic blackout.

9 (2) ENFORCEMENT BY THE FEDERAL TRADE  
10 COMMISSION.—

11 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
12 TICES.—A violation of paragraph (1), or a reg-  
13 ulation promulgated thereunder, shall be treat-  
14 ed as a violation of a rule defining an unfair or  
15 deceptive act or practice under section  
16 18(a)(1)(B) of the Federal Trade Commission  
17 Act (15 U.S.C. 57a(a)(1)(B)) and as a violation  
18 of section 5(a) of the Federal Trade Commis-  
19 sion Act (15 U.S.C. 45(a)) relating to unfair  
20 methods of competition.

21 (B) POWERS OF THE COMMISSION.—

22 (i) IN GENERAL.—The Federal Trade  
23 Commission shall enforce paragraph (1),  
24 and any regulation promulgated there-  
25 under, in the same manner, by the same

1 means, and with the same jurisdiction,  
2 powers, and duties as though all applicable  
3 terms and provisions of the Federal Trade  
4 Commission Act (15 U.S.C. 41 et seq.)  
5 were incorporated into and made a part of  
6 this Act.

7 (ii) PRIVILEGES AND IMMUNITIES.—  
8 Any person who violates paragraph (1), or  
9 a regulation promulgated thereunder, shall  
10 be subject to the penalties and entitled to  
11 the privileges and immunities provided in  
12 the Federal Trade Commission Act.

13 (iii) AUTHORITY PRESERVED.—Noth-  
14 ing in this Act shall be construed to limit  
15 the authority of the Commission under any  
16 other provision of law.

17 (iv) RULEMAKING.—The Commission  
18 may promulgate in accordance with section  
19 553 of title 5, United States Code, such  
20 rules as may be necessary to carry out this  
21 subsection, including with respect to how  
22 to comply with paragraph (1).

23 (c) FREE ACCESS FOR LOCAL FANS.—

24 (1) IN GENERAL.—A league shall provide to  
25 each local fan access to view live all games of the

1 league team at no cost to the local fan and at a  
2 quality of service not less than that which is the best  
3 available, through a singular method of viewing for  
4 all games, which may be—

5 (A) by local telecast or by streaming on a  
6 single streaming service; and

7 (B) supported by advertisements.

8 (2) EXCEPTION.—Paragraph (1) shall not  
9 apply to—

10 (A) a minor league team; or

11 (B) a league with fewer than 8 teams.

12 (3) ENFORCEMENT.—

13 (A) ENFORCEMENT BY THE FEDERAL  
14 COMMUNICATIONS COMMISSION.—The Federal  
15 Communications Commission shall have juris-  
16 diction over complaints alleging a violation of  
17 paragraph (1).

18 (B) ENFORCEMENT BY STATE ATTORNEYS  
19 GENERAL.—

20 (i) IN GENERAL.—In any case in  
21 which an attorney general of a State has  
22 reason to believe that an interest of the  
23 residents of that State has been or is  
24 threatened or adversely affected by the en-  
25 gagement of any person in an act or prac-

1            tice that violates this Act or a regulation  
2            promulgated under this Act, the attorney  
3            general of the State may, as *parens*  
4            *patriae*, bring a civil action on behalf of  
5            the residents of the State in an appro-  
6            priate district court of the United States  
7            to—

8                            (I) enjoin that act or practice;

9                            (II) enforce compliance with this  
10                           Act or the regulation;

11                           (III) on behalf of residents of the  
12                           State, obtain damages, restitution, or  
13                           other compensation, each of which  
14                           shall be distributed in accordance with  
15                           State law; or

16                           (IV) obtain such other relief as  
17                           the court may consider to be appro-  
18                           priate.

19                           (ii)     REASONABLE     ATTORNEY'S  
20                           FEES.—In a civil action brought under  
21                           clause (i) in which the plaintiff prevails,  
22                           the court may award reasonable attorney's  
23                           fees, including litigation expenses, and  
24                           costs reasonably incurred.