

113TH CONGRESS
2D SESSION

S. 2974

To provide for a review of, and repeal of, the antitrust exemptions for professional sports.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2014

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

A BILL

To provide for a review of, and repeal of, the antitrust exemptions for professional sports.

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 “Sustained Promotion
5 of Responsibility in Team Sports Act” or the “SPORTS
6 Act”.

7 **SEC. 2. ANTITRUST EXEMPTIONS SUNSET.**

8 (a) DEFINITION.—In this section, the term “Sports
9 Broadcasting Act of 1961” means the Act of September
10 30, 1961 (15 U.S.C. 1291 et seq.).

1 (b) AMENDMENTS.—

2 (1) FOOTBALL.—The Sports Broadcasting Act
3 of 1961 is amended—

4 (A) in the first section (15 U.S.C. 1291),
5 by striking “football,” each place it appears;

6 (B) by striking section 3 (15 U.S.C.
7 1293); and

8 (C) in section 4 (15 U.S.C. 1294), by
9 striking “football,”.

10 (2) BASEBALL.—The Sports Broadcasting Act
11 of 1961 is amended—

12 (A) in the first section (15 U.S.C. 1291),
13 by striking “baseball,” each place it appears;
14 and

15 (B) in section 4 (15 U.S.C. 1294)—

16 (i) by striking “Nothing contained in
17 this Act” and inserting “(a) Except as pro-
18 vided in subsection (b), nothing contained
19 in this Act”;

20 (ii) by striking “baseball,”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(b) The antitrust laws, as defined in section 1 of
24 the Act of October 15, 1914, or in the Federal Trade
25 Commission Act shall apply to a league of clubs partici-

1 pating in professional baseball in connection with any
2 agreement relating to the sponsored telecasting of baseball
3 games.”.

4 (3) BASKETBALL.—The Sports Broadcasting
5 Act of 1961 is amended—

6 (A) in the first section (15 U.S.C. 1291),
7 by striking “basketball,” each place it appears;
8 and

9 (B) in section 4 (15 U.S.C. 1294), by
10 striking “basketball,”.

11 (4) HOCKEY.—The Sports Broadcasting Act of
12 1961 is amended—

13 (A) in the first section (15 U.S.C. 1291),
14 by striking “or hockey” each place it appears;
15 and

16 (B) in section 4 (15 U.S.C. 1294), by
17 striking “or hockey”.

18 (c) EFFECTIVE DATES.—

19 (1) FOOTBALL.—The amendments made by
20 subsection (b)(1) shall take effect 1 year after the
21 date of enactment of this Act.

22 (2) BASEBALL.—The amendments made by
23 subsection (b)(2) shall take effect 1 year after the
24 date of enactment of this Act.

1 (3) BASKETBALL.—The amendments made by
2 subsection (b)(3) shall take effect 1 year after the
3 date of enactment of this Act.

4 (4) HOCKEY.—The amendments made by sub-
5 section (b)(4) shall take effect 1 year after the date
6 of enactment of this Act.

7 **SEC. 3. COMMISSION.**

8 (a) ESTABLISHMENT OF COMMISSION.—

9 (1) ESTABLISHMENT.—There is established the
10 Advisory Commission on Sports and the Public In-
11 terest (in this Act referred to as the “Commission”).

12 (2) MEMBERSHIP.—The Commission shall be
13 composed of 7 members, of whom—

14 (A) 1 shall be the Assistant Attorney Gen-
15 eral in charge of the Civil Rights Division of
16 the Department of Justice;

17 (B) 1 shall be the Assistant Attorney Gen-
18 eral in charge of the Antitrust Division of the
19 Department of Justice;

20 (C) 1 shall be the Director of the Office on
21 Violence Against Women of the Department of
22 Justice;

23 (D) 1 shall be the Director of the National
24 Institute on Occupational Safety and Health;

25 (E) 1 shall be the Secretary of Labor;

1 (F) 1 shall be the Chairman of the Federal
2 Trade Commission; and

3 (G) 1 shall be appointed by the President.

4 (3) PERIOD OF APPOINTMENT; VACANCIES.—
5 Members shall serve for the life of the Commission.
6 Any vacancy in the Commission shall not affect its
7 powers, but shall be filled in the same manner as the
8 original appointment.

9 (4) INITIAL MEETING.—Not later than 30 days
10 after the date on which all members of the Commis-
11 sion have been appointed, the Commission shall hold
12 its first meeting.

13 (5) MEETINGS.—The Commission shall meet at
14 the call of the Chairperson.

15 (6) QUORUM.—A majority of the members of
16 the Commission shall constitute a quorum, but a
17 lesser number of members may hold hearings.

18 (7) CHAIRPERSON AND VICE CHAIRPERSON.—
19 The Commission shall select a Chairperson and Vice
20 Chairperson from among its members.

21 (b) DUTIES OF THE COMMISSION.—

22 (1) INVESTIGATION AND RECOMMENDATIONS.—
23 The Commission shall conduct a thorough investiga-
24 tion of, and develop recommendations relating to,
25 the policies and conduct of the professional sports

1 leagues covered under the antitrust exemptions
2 under the Act of September 30, 1961 (15 U.S.C.
3 1291 et seq.) (commonly known as the “Sports
4 Broadcasting Act of 1961”) regarding—

5 (A) the treatment by the leagues and the
6 member clubs of the leagues of employees and
7 contractors of the leagues and member clubs
8 and volunteers providing services to the league
9 or the member clubs;

10 (B) the conduct of the employees, officials,
11 and agents of the leagues and their member
12 clubs;

13 (C) any costs or benefits of the antitrust
14 exemptions for the leagues; and

15 (D) other issues that the Commission, by
16 a vote of the majority of the members of the
17 Commission, determines constitute important
18 considerations for Congress in determining
19 whether to reauthorize the antitrust exemptions
20 for the leagues.

21 (2) REPORTS.—Not later than 95 days before
22 the date that is 1 year after the date of enactment
23 of this Act, and every 5 years thereafter, the Com-
24 mission shall submit to the Committee on the Judi-
25 ciary and the Committee on Commerce of the Senate

1 and the Committee on the Judiciary and the Com-
2 mittee on Energy and Commerce of the House of
3 Representatives a report, which shall contain—

4 (A) a detailed statement of the findings,
5 conclusions, and recommendations of the inves-
6 tigation of the Commission, together with any
7 recommendations for such legislation or admin-
8 istrative actions as the Commission considers
9 appropriate; and

10 (B) the minority views, if any, on any find-
11 ings, conclusions, or recommendations of the
12 Commission.

13 (c) POWERS OF THE COMMISSION.—

14 (1) HEARINGS.—The Commission or, at its di-
15 rection, any subcommittee or member of the Com-
16 mission, may, for the purpose of carrying out this
17 Act—

18 (A) hold such hearings, sit and act at such
19 times and places, take such testimony, receive
20 such evidence, and administer such oaths as the
21 Commission or such subcommittee or member
22 considers advisable; and

23 (B) require, by subpoena or otherwise, the
24 attendance and testimony of such witnesses and
25 the production of such books, records, cor-

1 response, memoranda, papers, documents,
2 tapes, and materials as the Commission or such
3 subcommittee or member considers advisable.

4 (2) INFORMATION FROM FEDERAL AGENCIES.—

5 The Commission may secure directly from any Fed-
6 eral department or agency such information as the
7 Commission considers necessary to carry out this
8 Act. Upon request of the Chairman of the Commis-
9 sion, the head of such department or agency shall
10 furnish such information to the Commission.

11 (3) POSTAL SERVICES.—The Commission may
12 use the United States mails in the same manner and
13 under the same conditions as other departments and
14 agencies of the Federal Government.

15 (4) GIFTS.—The Commission may accept, use,
16 and dispose of gifts or donations of services or prop-
17 erty.

18 (5) ISSUANCE AND ENFORCEMENT OF SUB-
19 POENAS.—

20 (A) ISSUANCE.—Subpoenas issued under
21 paragraph (1) shall bear the signature of the
22 Chairman of the Commission and shall be
23 served by any person or class of persons des-
24 ignated by the Chairman for that purpose.

1 (B) ENFORCEMENT.—In the case of contu-
2 macy or failure to obey a subpoena issued
3 under paragraph (1), the United States district
4 court for the judicial district in which the sub-
5 poenaed person resides, is served, or may be
6 found may issue an order requiring such person
7 to appear at any designated place to testify or
8 to produce documentary or other evidence. Any
9 failure to obey the order of the court may be
10 punished by the court as a contempt that court.

11 (6) WITNESS ALLOWANCES AND FEES.—Section
12 1821 of title 28, United States Code, shall apply to
13 witnesses requested or subpoenaed to appear at any
14 hearing of the Commission. The per diem and mile-
15 age allowances for witnesses shall be paid from
16 funds available to pay the expenses of the Commis-
17 sion.

18 (d) COMMISSION PERSONNEL MATTERS.—

19 (1) COMPENSATION OF MEMBERS.—Each mem-
20 ber of the Commission who is not an officer or em-
21 ployee of the Federal Government shall be com-
22 pensated at a rate equal to the daily equivalent of
23 the annual rate of basic pay prescribed for level IV
24 of the Executive Schedule under section 5315 of title
25 5, United States Code, for each day (including travel

1 time) during which such member is engaged in the
2 performance of the duties of the Commission. All
3 members of the Commission who are officers or em-
4 ployees of the United States shall serve without com-
5 pensation in addition to that received for their serv-
6 ices as officers or employees of the United States.

7 (2) TRAVEL EXPENSES.—The members of the
8 Commission shall be allowed travel expenses, includ-
9 ing per diem in lieu of subsistence, at rates author-
10 ized for employees of agencies under subchapter I of
11 chapter 57 of title 5, United States Code, while
12 away from their homes or regular places of business
13 in the performance of services for the Commission.

14 (3) STAFF.—

15 (A) IN GENERAL.—The Chairman of the
16 Commission may, without regard to the civil
17 service laws and regulations, appoint and termi-
18 nate an executive director and such other addi-
19 tional personnel as may be necessary to enable
20 the Commission to perform its duties. The em-
21 ployment of an executive director shall be sub-
22 ject to confirmation by the Commission.

23 (B) COMPENSATION.—The Chairman of
24 the Commission may fix the compensation of
25 the executive director and other personnel with-

1 out regard to chapter 51 and subchapter III of
 2 chapter 53 of title 5, United States Code, relat-
 3 ing to classification of positions and General
 4 Schedule pay rates, except that the rate of pay
 5 for the executive director and other personnel
 6 may not exceed the rate payable for level V of
 7 the Executive Schedule under section 5316 of
 8 such title.

9 (C) PERSONNEL AS FEDERAL EMPLOY-
 10 EES.—

11 (i) IN GENERAL.—The executive di-
 12 rector and any personnel of the Commis-
 13 sion who are employees shall be employees
 14 under section 2105 of title 5, United
 15 States Code, for purposes of chapters 63,
 16 81, 83, 84, 85, 87, 89, 89A, 89B, and 90
 17 of that title.

18 (ii) MEMBERS OF COMMISSION.—
 19 Clause (i) shall not be construed to apply
 20 to members of the Commission.

21 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

22 Any Federal Government employee may be detailed
 23 to the Commission without reimbursement, and such
 24 detail shall be without interruption or loss of civil
 25 service status or privilege.

1 (5) PROCUREMENT OF TEMPORARY AND INTER-
 2 MITTENT SERVICES.—The Chairman of the Commis-
 3 sion may procure temporary and intermittent serv-
 4 ices under section 3109(b) of title 5, United States
 5 Code, at rates for individuals which do not exceed
 6 the daily equivalent of the annual rate of basic pay
 7 prescribed for level V of the Executive Schedule
 8 under section 5316 of such title.

9 (e) NONTERMINATION OF THE COMMISSION.—Sec-
 10 tion 14(a)(2) of the Federal Advisory Committee Act shall
 11 not apply to the Commission.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to the Commission such
 14 sums as are necessary to carry out the duties of the Com-
 15 mission under this Act.

16 **SEC. 4. EXPEDITED PROCESS FOR EXTENSION OF SUNSET.**

17 (a) DEFINITIONS.—In this section—

18 (1) the term “day of continuous session”, with
 19 respect to a House of Congress, does not include a
 20 period during which that House has adjourned sine
 21 die or during which that House is not in session be-
 22 cause of an adjournment of more than 3 days to a
 23 date certain; and

24 (2) the term “joint resolution” means a joint
 25 resolution—

1 (A) introduced during the 95-day period
 2 ending on the day before the date on which the
 3 amendments relating to the professional sport
 4 to which the joint resolution relates are sched-
 5 uled to take effect under section 2(c);

6 (B) which does not have a preamble;

7 (C) the title of which is only as follows:
 8 “Joint resolution relating to extension of cer-
 9 tain antitrust exemptions for professional
 10 _____.”, the blank space being
 11 filled in with the professional sport to which the
 12 joint resolution relates; and

13 (D) the matter after the resolving clause of
 14 which is only as follows: “That section 2(c)____
 15 of the SPORTS Act is amended by striking
 16 ‘ _____ ’ and inserting
 17 ‘ _____ ’.”, with—

18 (i) the first blank space being filled in
 19 with the paragraph of section 2(c) that
 20 corresponds to the professional sport to
 21 which the joint resolution relates;

22 (ii) the second blank space being filled
 23 in with the number of years specified in
 24 the paragraph described in clause (i) on

1 the date on which the joint resolution is in-
 2 troduced; and

3 (iii) the third blank space being filled
 4 in with the number of years equal to the
 5 sum of the number of years described in
 6 clause (ii) and 5 years.

7 (b) EXPEDITED CONSIDERATION IN HOUSE OF REP-
 8 RESENTATIVES.—

9 (1) INTRODUCTION.—

10 (A) IN GENERAL.—Not later than the end
 11 of the second day of continuous session of the
 12 House of Representatives after the date on
 13 which the Commission submits a report under
 14 section 3(b)(2), the Speaker of the House of
 15 Representatives shall introduce a joint resolu-
 16 tion relating to each professional sport for
 17 which an amendment under section 2(b) has
 18 not taken effect.

19 (B) OTHER MEMBERS.—If the Speaker of
 20 the House of Representatives does not intro-
 21 duce a joint resolution under subparagraph (A)
 22 relating to a professional sport for which an
 23 amendment under section 2(b) has not taken
 24 effect, during the period beginning on the third
 25 day of continuous session of the House of Rep-

representatives after the date on which the Commission submits a report under section 3(b)(2) and ending on the day before the date on which the amendments under section 2(c) relating to the applicable professional sport take effect, it shall be in order for any Member of the House of Representatives to introduce a joint resolution relating to the applicable professional sport.

(C) SINGLE JOINT RESOLUTION FOR A PROFESSIONAL SPORT.—If a joint resolution relating to a professional sport is introduced in the House of Representatives, it shall not be in order to introduce a joint resolution relating to that professional sport in the House of Representatives until after the date on which the Commission submits the next report required under section 3(b)(2).

(2) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives not later than 35 calendar days after the date on which the Commission submits the applicable report under section 3(b)(2). If a committee fails to report the joint resolution with-

1 in that period, the committee shall be discharged
2 from further consideration of the joint resolution
3 and the joint resolution shall be referred to the ap-
4 propriate calendar.

5 (3) PROCEEDING TO CONSIDERATION.—After
6 each committee authorized to consider a joint resolu-
7 tion reports it to the House of Representatives or
8 has been discharged from its consideration, it shall
9 be in order, not later than the day before the date
10 on which the amendments under section 2(c) relat-
11 ing to the applicable professional sport take effect,
12 to move to proceed to consider the joint resolution
13 in the House of Representatives. All points of order
14 against the motion are waived. During the 95-day
15 period described in subsection (a)(2)(A) relating to
16 a joint resolution relating to a professional sport,
17 such a motion shall not be in order after the House
18 of Representatives has disposed of a motion to pro-
19 ceed on the joint resolution. The previous question
20 shall be considered as ordered on the motion to its
21 adoption without intervening motion. The motion
22 shall not be debatable. A motion to reconsider the
23 vote by which the motion is disposed of shall not be
24 in order.

25 (4) FLOOR CONSIDERATION.—

1 (A) IN GENERAL.—The joint resolution
 2 shall be considered as read. All points of order
 3 against the joint resolution and against its con-
 4 sideration are waived.

5 (B) CONSIDERATION.—The previous ques-
 6 tion shall be considered as ordered on the joint
 7 resolution to its passage without intervening
 8 motion except 4 hours of debate equally divided
 9 and controlled by the proponent and an oppo-
 10 nent. A motion to reconsider the vote on pas-
 11 sage of the joint resolution shall not be in
 12 order.

13 (c) EXPEDITED PROCEDURE IN SENATE.—

14 (1) INTRODUCTION.—

15 (A) IN GENERAL.—Not later than the end
 16 of the second day of continuous session of the
 17 Senate after the date on which the Commission
 18 submits a report under section 3(b)(2), the Ma-
 19 jority Leader of the Senate shall introduce a
 20 joint resolution relating to each professional
 21 sport for which an amendment under section
 22 2(b) has not taken effect.

23 (B) OTHER MEMBERS.—If the Majority
 24 Leader of the Senate does not introduce a joint
 25 resolution under subparagraph (A) relating to a

1 professional sport for which an amendment
2 under section 2(b) has not taken effect, during
3 the period beginning on the third day of contin-
4 uous session of the Senate after the date on
5 which the Commission submits a report under
6 section 3(b)(2) and ending on the day before
7 the date on which the amendments under sec-
8 tion 2(c) relating to the applicable professional
9 sport take effect, it shall be in order for any
10 Member of the Senate to introduce a joint reso-
11 lution relating to the applicable professional
12 sport.

13 (C) SINGLE JOINT RESOLUTION FOR A
14 PROFESSIONAL SPORT.—If a joint resolution re-
15 lating to a professional sport is introduced in
16 the Senate, it shall not be in order to introduce
17 a joint resolution relating to that professional
18 sport in the Senate until after the date on
19 which the Commission submits the next report
20 required under section 3(b)(2).

21 (2) REPORTING AND DISCHARGE.—Any com-
22 mittee of the Senate to which a joint resolution is
23 referred shall report it to the Senate without amend-
24 ment not later than 35 calendar days after the date
25 on which the Commission submits the applicable re-

1 port under section 3(b)(2). If a committee fails to
2 report the joint resolution within that period, the
3 committee shall be discharged from further consider-
4 ation of the joint resolution and the joint resolution
5 shall be placed on the Calendar of Business.

6 (3) FLOOR CONSIDERATION.—

7 (A) IN GENERAL.—Notwithstanding rule
8 XXII of the Standing Rules of the Senate, after
9 each committee authorized to consider a joint
10 resolution reports it to the Senate or has been
11 discharged from its consideration, it is in order,
12 not later than the day before the date on which
13 the amendments under section 2(c) relating to
14 the applicable professional sport take effect,
15 (even though a previous motion to the same ef-
16 fect has been disagreed to) to move to proceed
17 to the consideration of the joint resolution, and
18 all points of order against the joint resolution
19 (and against consideration of the joint resolu-
20 tion) are waived. The motion to proceed is not
21 debatable. The motion is not subject to a mo-
22 tion to postpone. A motion to reconsider the
23 vote by which the motion is agreed to or dis-
24 agreed to shall not be in order. If a motion to
25 proceed to the consideration of the joint resolu-

tion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(B) CONSIDERATION.—Debate on a joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(C) VOTE ON PASSAGE.—The vote on passage of a joint resolution shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

1 (d) RULES RELATING TO SENATE AND HOUSE OF
2 REPRESENTATIVES.—

3 (1) COORDINATION WITH ACTION BY OTHER
4 HOUSE.—If, before the passage by one House of a
5 joint resolution of that House relating to a profes-
6 sional sport, that House receives from the other
7 House a joint resolution relating to the same profes-
8 sional sport—

9 (A) the joint resolution of the other House
10 shall not be referred to a committee; and

11 (B) with respect to a joint resolution of the
12 House receiving the resolution relating to the
13 same professional sport—

14 (i) the procedure in that House shall
15 be the same as if no joint resolution had
16 been received from the other House; but

17 (ii) the vote on passage shall be on
18 the joint resolution of the other House re-
19 lating to the same professional sport.

20 (2) TREATMENT OF JOINT RESOLUTION OF
21 OTHER HOUSE.—If one House fails to introduce or
22 consider a joint resolution relating to a professional
23 sport under this section, the joint resolution of the
24 other House relating to the same professional sport

1 shall be entitled to expedited floor procedures under
2 this section.

3 (3) TREATMENT OF COMPANION MEASURES.—

4 If, following passage of a joint resolution relating to
5 a professional sport in the Senate, the Senate then
6 receives the companion measure from the House of
7 Representatives relating to the same professional
8 sport, the companion measure shall not be debat-
9 able.

10 (e) VETOES.—If the President vetoes a joint resolu-
11 tion, debate on a veto message in the Senate under this
12 section shall be 1 hour equally divided between the major-
13 ity and minority leaders or their designees.

14 (f) TIME LIMITATION.—It shall not be in order to
15 consider a joint resolution under this section on or after
16 the date on which the amendments relating to the profes-
17 sional sport to which the joint resolution relates take effect
18 under section 2(c).

19 (g) RULES OF HOUSE OF REPRESENTATIVES AND
20 SENATE.—This section is enacted by Congress—

21 (1) as an exercise of the rulemaking power of
22 the Senate and House of Representatives, respec-
23 tively, and as such it is deemed a part of the rules
24 of each House, respectively, but applicable only with
25 respect to the procedure to be followed in that

1 House in the case of a joint resolution, and it super-
2 sedes other rules only to the extent that it is incon-
3 sistent with such rules; and

4 (2) with full recognition of the constitutional
5 right of either House to change the rules (so far as
6 relating to the procedure of that House) at any time,
7 in the same manner, and to the same extent as in
8 the case of any other rule of that House.

○