

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

August 11, 2025

Mr. Adam Silver
Commissioner
National Basketball Association
645 5th Avenue
New York, NY 10022

Dear Mr. Silver:

The Committee on the Judiciary is examining the sufficiency of federal laws related to the “[p]rotection of trade and commerce against unlawful restraints and monopolies.”¹ Under the Sports Broadcasting Act (SBA), major sports leagues receive broad immunity from antitrust liability for agreements related to the broadcasting of their games on network television.² However, the sports broadcasting market has changed significantly since the SBA was enacted, and recent antitrust cases have raised important questions about whether the SBA should be modified or repealed as a result.³ We write to request a briefing on the National Basketball Association’s (NBA) participation in the sports broadcasting market, and how the antitrust exemptions established by the SBA affect that participation.

When national sports leagues first entered the television broadcasting market, each team individually negotiated and sold the broadcasting rights to their home games.⁴ Teams were forced to compete over a limited number of outlets and some had difficulty balancing broadcast revenue with ticket sales, with smaller teams often struggling to remain profitable.⁵ To address these issues, the National Football League (NFL) agreed to refrain from broadcasting games

¹ Rules of the House of Representatives R. X (2025).

² 15 U.S. Code §§ 1291-1295; P.L. 87-331, 87th Cong.

³ See Ben Sperry, *Live Sports, Video Competition, and Antitrust*, ICLE (May 22, 2025); Nicci Warr et al., *Flag After the Play, Ruling on the Field Under Review: \$4.8 Billion NFL Sunday Ticket Antitrust Litigation*, STINSON (Nov. 6, 2024); Chris Deubert, *MLB’s Proposed Television Plan Raises Antitrust Questions*, FORBES (Dec. 4, 2024); Mike Vorkunov, *James Dolan vs. the NBA: Why the Knicks owner is at odds with the league*, N.Y. TIMES (Mar. 27, 2025); Jonathan Capriel, *9th Circ. Urged To Revive Players’ NHL, CHL Antitrust Suit*, LAW360 (Jun. 24, 2025).

⁴ Matthew J. Mitten & Aaron Hernandez, *The Sports Broadcasting Act of 1961: A Comparative Analysis of its Effects on Competitive Balance in the NFL and NCAA Division I FBS Football*, 39 OHIO N.U. L. REV. 745, 747 (2013); *United States v. Nat’l Football League*, 196 F. SUPP. 445, 446 (E.D. Pa. 1961).

⁵ David L. Anderson, *The Sports Broadcasting Act: Calling It What It Is - Special Interest Legislation*, 17 HASTINGS COMM. & ENT L.J. 945, 947-50 (1995); Cori J. Ching, *A Critique of the National Football League’s “Blackout” Exemption from the Antitrust Laws*, 8 J. LEGIS. 104, 109-110 (1981).

within the home team's territory and to pool the broadcasting rights of its teams and share the revenue among them.⁶ However, a series of court decisions jeopardized these agreements, finding that they violated U.S. antitrust law.⁷

In response, in 1961, Congress passed the SBA to allow professional sports leagues to coordinate their broadcasting decisions in an effort to help protect smaller teams and the leagues as a whole.⁸ The SBA exempts "any league of clubs participating in professional football, baseball, basketball, or hockey" from antitrust liability for agreements related to the "sponsored telecasting" of their games.⁹ The SBA also included a "blackout" exemption that permits sports leagues to prevent games from being broadcast "within the home territory of a member club of the league on a day when such club is playing a game at home."¹⁰

In the 64 years since the SBA was first enacted, the sports broadcasting market has changed considerably.¹¹ Because of "rapid technological advances in the television, internet, and broadcasting industries," delivering content to consumers is now easier and less expensive than ever before.¹² The introduction of subscription-based providers and online streaming services has given consumers a greater variety of options, and sports leagues are continually finding new ways to distribute their content.¹³ In 2023, digital sports viewership surpassed traditional television viewership for the first time, and that trend is expected to continue in the future.¹⁴

Despite these technological improvements, it is sometimes more difficult and more expensive for some fans to watch their teams during the season.¹⁵ In some major sports leagues, a fan may need to sign up for multiple streaming platforms and purchase an over-the-air antenna

⁶ *Id.*

⁷ *United States v. NFL*, 116 F. Supp. 319 (E.D. Pa. 1953); *United States v. NFL*, 196 F. Supp. 445 (E.D. Pa. 1961).

⁸ See Anderson, *supra* note 5, at 947-950.

⁹ 15 U.S.C. § 1291.

¹⁰ 15 U.S.C. § 1292.

¹¹ See Nathaniel Grow, *Regulating Professional Sports Leagues*, 72 WASH. & LEE L. REV. 573 (2015); Josh Mathews, *Sports Broadcasting Blackouts: A Harbinger of Change in A Rapidly Evolving Media Landscape?*, 18 HOUS. BUS. & TAX L. J. 202, 210 (2018).

¹² Matthews, *supra* note 11, at 210; see also Jean K Chalaby & Steve Plunkett, *Standing on the shoulders of tech giants: Media delivery, streaming television and the rise of global suppliers*, 23 NEW MEDIA & SOCIETY 3206 (2021).

¹³ Alison Herman, *Live Sports Are the Next Great Battle of the Streaming Wars*, THE RINGER (Apr. 15, 2021); Kenny Gersh, *Testimony in Senate Hearing: "Field of Streams: The New Channel Guide for Sports Fans,"* (May 6, 2025); William Koenig, *Testimony in Senate Hearing: "Field of Streams: The New Channel Guide for Sports Fans,"* (May 6, 2025); David M. Proper, *Testimony in Senate Hearing: "Field of Streams: The New Channel Guide for Sports Fans,"* (May 6, 2025).

¹⁴ Sara Lebow, *More than 100 million people will watch live sports via digital this year*, EMARKETER (Nov. 12, 2024).

¹⁵ Joon Lee, *\$4,785. That's How Much It Costs to Be a Sports Fan Now*, N.Y. TIMES (Jun. 22, 2025); Haig Siranosian, *Ticket to an Antitrust Violation? Why the NFL and DirecTV's Exclusive Distribution Agreement for Sunday Ticket May Violate Antitrust Laws, and How the U.S. District Court for the Central District of California May Have Gotten It Wrong*, 15 U.C. L. BUS. J. 342, 353 (2019); Mallory Newall et al., *Four in five Americans believe sporting events are too expensive*, IPSOS (May 1, 2024); Will Leitch, *Watching Sports Now Requires a Spreadsheet and a Fortune*, INTELLIGENCER (Jan. 8, 2025).

to watch every game at home.¹⁶ Even then, because every major sports league has its own blackout restrictions, there are certain games that fans cannot watch at home regardless of how much they are willing to pay or how many streaming services they purchase.¹⁷

Part of the problem results from the fact that the SBA's antitrust exemptions were adopted at a time when sports leagues broadcast their games primarily on network television.¹⁸ The SBA only applies to "sponsored telecasting," which "refers to broadcasts which are financed by business enterprises (the 'sponsors') in return for advertising time and are therefore provided free to the general public."¹⁹ Courts have consistently held that the SBA does not exempt sports leagues from antitrust liability when it comes to distribution channels where subscribers pay a fee, such as cable television, satellite, pay-per-view, or digital streaming services.²⁰

The majority of sports viewership now occurs outside of traditional network broadcasting.²¹ As a result, most of the distribution agreements that a sports league enters into are subject to antitrust challenges, while a narrow subset are not, creating legal uncertainty, distorting the market, and "effectively expanding the blind spot for potential antitrust violations."²² While "[t]he SBA may have made sense in an era when network broadcasters had significant market power and major sports leagues were seen as at a disadvantage," because of "massive changes in the video-competition marketplace, it no longer does."²³

The current state of the sports broadcasting market has changed considerably since the 1960s. As we evaluate the sufficiency of existing law, we request a briefing on the NBA's participation in the sports broadcasting market and related matters. Please arrange for this briefing as soon as possible but no later than 10:00 a.m. ET on August 25, 2025.

Pursuant to Rule X of the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning "protection of trade and commerce against unlawful restraints and monopoly" to inform potential legislative reforms.²⁴ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

¹⁶ Robert Zeglinski, *Here's how much it will (roughly) cost to watch every NFL game in the 2025 season*, FOR THE WIN (May 13, 2025).

¹⁷ *Sports Blackouts*, FED. COMM'C'N COMM'N (last visited Jul. 21, 2025); see also Matthews, *supra* note 11, at 203-204.

¹⁸ Sperry, *supra* note 3.

¹⁹ *Shaw v. Dallas Cowboys Football Club, Ltd.*, 172 F.3d 299, 301 (3d Cir. 1999).

²⁰ *Id.*; *Chicago Prof'l Sports Ltd. P'ship v. Nat'l Basketball Ass'n*, 961 F.2d 667, 671 (7th Cir. 1992); *Chicago Prof'l Sports Ltd. P'ship v. Nat'l Basketball Ass'n*, 95 F.3d 593, 595 (7th Cir. 1996); *Kingray, Inc. v. NBA, Inc.*, 188 F. Supp. 2d 1177, 1183 (S.D. Cal. 2002); *In re Nat'l Football League's Sunday Ticket Antitrust Litig.*, 933 F.3d 1136, 1147 (9th Cir. 2019).

²¹ See Lebow, *supra* note 14; see also George Winslow, *Survey: More Viewers Turn to Streaming for Sports*, TV TECH (Mar. 10, 2025).

²² Matthews, *supra* note 11, at 210; Sperry, *supra* note 3.

²³ *Id.*

²⁴ Rules of the House of Representatives R. X (2025).


Mr. Adam Silver
August 11, 2025
Page 4

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Chairman



Scott Fitzgerald
Chairman
Subcommittee on the Administrative State,
Regulatory Reform, and Antitrust

cc: The Honorable Jamie Raskin, Ranking Member

The Honorable Jerrold Nadler, Ranking Member, Subcommittee on the Administrative
State, Regulatory Reform, and Antitrust