

United States Senate
WASHINGTON, DC 20510

March 2, 2026

The Honorable Omeed A. Assefi
Acting Assistant Attorney General
U.S. Department of Justice Antitrust Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

The Honorable Andrew Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Avenue N.W.
Washington, DC 20580

Dear Acting Assistant Attorney General Assefi and Chairman Ferguson:

I write to seek your assistance in addressing a new trend in televised sports that may harm American sports fans.

I applaud President Trump and his Administration for addressing affordability for American consumers. To watch every NFL game during this past season, football fans spent almost \$1,000 on cable and streaming subscriptions. In practice, this requires subscribing to multiple streaming services and maintaining high-speed internet in addition to a traditional cable or satellite bundle. The resulting fragmentation has produced consumer confusion and increasing costs for viewers attempting to watch their teams.

In 1961, Congress enacted the Sports Broadcasting Act, granting limited antitrust immunity to allow professional football teams to collectively license the “sponsored telecasts” of their games to national broadcast networks. Courts have recognized that “sponsored telecasting” refers to broadcasts financed through advertising and made available free to the public. *Shaw v. Dallas Cowboys Football Club, Ltd.*, 172 F.3d 299, 301 (3d Cir. 1999).

The modern distribution environment differs substantially from the conditions that precipitated this exemption. Instead of a small number of free broadcast networks, the NFL now licenses games simultaneously to subscription streaming platforms, premium cable networks, and technology companies operating under different business models. To the extent collectively licensed game packages are placed behind subscription paywalls, these arrangements may no longer align with the statutory concept of sponsored telecasting or the consumer-access rationale underlying the antitrust exemption.

Accordingly, I request that your antitrust enforcement agencies examine the Sports Broadcasting Act and its applicability to current media landscape. The Subcommittee on Antitrust, Competition Policy, and Consumer Rights welcomes your expertise as we evaluate whether the statute continues to serve consumers or should be revised to reflect modern market conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Lee". The signature is fluid and cursive, with a large initial "M" and a distinct "L" at the end.

Senator Mike Lee
Chairman, Subcommittee on Antitrust, Competition Policy, and Consumer Rights
United States Senate Committee on the Judiciary