



## HOUSE JUDICIARY COMMITTEE

*Chairman Jim Jordan*

### **THE SPORTS BROADCASTING ACT: A SPECIAL-INTEREST ANTITRUST EXEMPTION GONE AWRY**

Interim Staff Report

Committee on the Judiciary  
Chairman Jim Jordan

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

U.S. House of Representatives



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## EXECUTIVE SUMMARY

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*“There’s something very sad when they take football away from many, many people.”*

—President Donald J. Trump, when asked  
about the NFL’s television agreements<sup>1</sup>

The Committee on the Judiciary has jurisdiction over the “[p]rotection of trade and commerce against unlawful restraints and monopolies.”<sup>2</sup> In August 2025, the Committee and its Subcommittee on the Administrative State, Regulatory Reform, and Antitrust opened an investigation into the broadcasting practices of the professional sports leagues, which are governed by the Sports Broadcasting Act (SBA) of 1961.<sup>3</sup> As part of this oversight, the Committee sought to examine whether collusion by the National Football League (NFL), an association of professional football teams formed in 1920, and its 32 current teams to control the method and amount of televised professional football games has complied with the letter and spirit of the antitrust laws and the SBA, and whether the NFL’s practices have harmed American football consumers.<sup>4</sup> Through this oversight, the Committee and Subcommittee have uncovered evidence that the National Football League (NFL) has harmed consumers and misled Congress regarding its television agreements and league rules.<sup>5</sup>

In 1961, as the popularity of professional football grew across the country, the NFL received an exemption from America’s antitrust laws, allowing it to collude in broadcasting its games.<sup>6</sup> The SBA was designed to stave off the league’s impending financial collapse by allowing the independently managed and owned teams to collude on broadcasting agreements without violating the antitrust laws.<sup>7</sup> The NFL argued that an exemption would allow the league to sign a \$4.65 million per year broadcasting agreement that would provide a viable and fair amount of money to each team and make sure that fans could continue to watch games on broadcast television.<sup>8</sup>

The Committee and Subcommittee have been examining the NFL’s conduct regarding its agreements with broadcast, cable, and streaming distribution channels. Today, for consumers to watch broadcast NFL games, they must navigate a complicated and expensive web of television agreements and rules.

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<sup>1</sup> *Full Interview: Donald Trump on Iran, government investigation into NFL, and the midterm elections*, FULL MEASURE WITH SHARYL ATTKISSON (May 10, 2026), at 7:50, available at <https://www.youtube.com/watch?v=e73syW1fKEY>.

<sup>2</sup> Rules of the House of Representatives R. X (2025).

<sup>3</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. Scott Fitzgerald, Chairman, Subcomm. on the Administrative State, Regulatory Reform, and Antitrust to Roger Goodell, Commissioner, National Football League (Aug. 11, 2025).

<sup>4</sup> *In re Nat’l Football League’s Sunday Ticket Antitrust Litig.*, 933 F.3d 1136, 1144 (9th Cir. 2019).

<sup>5</sup> See *infra* notes 185-204.

<sup>6</sup> Sports Broadcasting Act of 1961, Pub. L. No. 87-331, 75 Stat. 732 (1961).

<sup>7</sup> See *infra* notes 72-84.

<sup>8</sup> *Id.*; see also *United States v. Nat’l Football League*, 196 F. Supp. 445, 447 (E.D. Pa. 1961).

- **Local Market:** First, if a fan is in the local geographic area surrounding a team, that team’s games will always be available on broadcast television, which can be received for free over-the-air with a television antenna or, more commonly, through a paid linear television package available from cable, satellite, or digital providers.<sup>9</sup>
- **Digital and Cable:** Second, the NFL licenses the rights of some games to cable and digital streaming services, which place those games on their respective paywalled platforms and channels.<sup>10</sup> These games include Thursday night (Amazon Prime Video), Monday night (ESPN), and some Saturday and holiday games (for example, Christmas Day games on Netflix).<sup>11</sup> Fans outside of a local market must pay to access these channels and services.<sup>12</sup>
- **NBC:** Third, the NFL licenses Sunday night games to the National Broadcasting Company (NBC).<sup>13</sup> Like other broadcast stations, fans may watch NBC for free with a television antenna or through a linear TV package, but access is often purchased through a linear television package.<sup>14</sup>
- **FOX and CBS:** Fourth, the NFL licenses the remaining games to Fox Broadcasting Company (FOX) and CBS Broadcasting Inc. (CBS) to be shown on Sunday, and some Saturdays during the season, during the daytime.<sup>15</sup> Like other broadcast stations, FOX and CBS can be received for free over-the-air with a television antenna or through a linear TV package.<sup>16</sup> However, the games that actually appear on FOX and CBS vary by geography, and often only three games appear in a given geographic area while the other nine or ten games licensed to FOX and CBS are not available on broadcast television in that area.<sup>17</sup>
- **Sunday Ticket:** Fifth, the games licensed to FOX and CBS but not actually shown on FOX or CBS in a consumer’s area (called “out-of-market games”) must be purchased separately as a package of games called Sunday Ticket.<sup>18</sup> Sunday Ticket is provided digitally from YouTube.<sup>19</sup> Games available in a consumer’s geographic area on FOX and CBS, as well as the games on NBC and digital streaming platforms like Amazon Prime Video and Netflix, are not available on Sunday Ticket.<sup>20</sup>

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<sup>9</sup> NFL, *NFL Media Overview Ex Parte Letter and Presentation to the Federal Communications Commission* (Apr. 2026), available at <https://www.fcc.gov/ecfs/document/104211150806825/1>. A game will be available free, over-the-air, in a local market even if the NFL has licensed the rights for the game to be available behind a paywall like Netflix or Amazon Prime in the rest of the country. *See id.* at 4.

<sup>10</sup> *Id.* at 7.

<sup>11</sup> *Id.*

<sup>12</sup> *See generally id.*

<sup>13</sup> *Id.* at 6-7.

<sup>14</sup> *Id.*

<sup>15</sup> *See infra* notes 96-105.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

The NFL's improved economic circumstances since 1961 stem largely from revenues related to its antitrust exemption. Today, some NFL fans must pay over \$600 to watch their favorite team throughout an entire season.<sup>21</sup> Under the NFL's proposed broadcasting contract in 1961, which was blocked by a court prior to the exemption's enactment, each team would have received approximately \$3.37 million in 2026 dollars.<sup>22</sup> Compare that amount to 2025, when each team received \$433 million from the league's national media, sponsorship, and licensing revenue for the 2024 season.<sup>23</sup> Even adjusted for inflation, NFL teams now receive over 100 times greater payouts from the league than they received in 1961.<sup>24</sup>

Recent litigation and the Committee's and Subcommittee's oversight demonstrate that the NFL's entire television rights structure and the revenues that come from it is a house of cards built on an overstretched antitrust exemption. For example, a class action lawsuit brought by plaintiffs who purchased Sunday Ticket alleges that the 32 NFL teams illegally collude in violation of U.S. antitrust law when they allow the NFL to have complete control over the television rights for games that are not available on broadcast television.<sup>25</sup> The plaintiffs claim that if there was competition among the teams, there would be more free, over-the-air broadcasts as well as other options to watch games, which would lead to lower prices and better outcomes for consumers.<sup>26</sup> In that case, the court rejected the NFL's argument that the Sunday Ticket product was protected by the SBA's antitrust exemption and a jury awarded the plaintiffs up to \$14.1 billion in damages.<sup>27</sup> Post-trial, the district court judge vacated the jury's verdict and the case is currently on appeal.<sup>28</sup>

With increased legal pressure and Congressional oversight, the NFL has attempted to justify its actions by claiming that Sunday Ticket is a product specifically made for avid fans. The NFL explains that 100 percent of its "local market games" (*i.e.*, when a fan lives in the same area as the team) are available free, over-the-air on broadcast television and 87 percent of games have "primary distribution" on broadcast television.<sup>29</sup> The NFL's own analysis, however, shows that the average NFL game appears in only 39 percent of U.S. households.<sup>30</sup> In addition, of the NFL's 256 regular season games in 2016, 113 games were broadcast in less than 20 percent of

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<sup>21</sup> Bobby Burack, *Streaming The NFL This Season Is Going To Cost Over \$100 A Month, Over \$600 A Year*, OUTKICK (Aug. 6, 2025).

<sup>22</sup> See also *Nat'l Football League*, 196 F. Supp. at 446. The total inflation rate, using consumer price index in 1961 of 29.9 and 2026 of 333.02, from 1961's average to April 2026 is 1,013.78%. See U.S. Bureau of Labor Statistics, *CPI Inflation Calculator* (last visited May 18, 2026).

<sup>23</sup> Michael Ozanian, *Sports Valuations Cowboys now worth a record \$12.5B — 10 other NFL teams valued at more than \$8B*, CNBC (Sept. 4, 2025).

<sup>24</sup> Compare *supra* note 22, with *supra* note 23.

<sup>25</sup> *Nat'l Football League's Sunday Ticket Antitrust Litig.*, No. ML 15-02668 PSG (SK), 2024 WL 168298, at \*1–2 (C.D. Cal. Jan. 11, 2024).

<sup>26</sup> *Id.*

<sup>27</sup> *In re Nat'l Football League's Sunday Ticket Antitrust Litig.*, No. ML 15-02668 PSG (SKX), 2024 WL 3628118 (C.D. Cal. Aug. 1, 2024); Aaindri Thakuri, *NFL Faces \$14.1 Billion in Damages as Sunday Ticket Lawsuit Returns to Court*, YAHOO SPORTS (Feb. 22, 2026).

<sup>28</sup> *Id.*; Alex Wilts, *US appeals court weighs rejection of experts in NFL Sunday Ticket antitrust case*, MLEX (Mar. 10, 2026).

<sup>29</sup> NFL, *NFL Media Overview Ex Parte Letter and Presentation to the Federal Communications Commission* (Apr. 2026), available at <https://www.fcc.gov/ecfs/document/104211150806825/1>.

<sup>30</sup> See *infra* notes 130-134.

U.S. households.<sup>31</sup> The NFL’s claim that 87 percent of games have “primary distribution” on broadcast television actually means that 87 percent of games are on a broadcast station somewhere in the country.<sup>32</sup> In fact, significantly less than half of the games are actually available to a consumer on broadcast television, depending on the week and geographic area.<sup>33</sup> Nonetheless, the NFL claims that Sunday Ticket—and its \$480 price tag—is a consumer-friendly product designed for the avid fan.<sup>34</sup>

Through its oversight, the Committee and Subcommittee obtained data showing that despite the NFL’s claims, the Sunday Ticket is largely not a product for the avid fan of NFL football in general; rather, it is a product bought mostly by fans attempting to watch their favorite team who are stuck with no other option.<sup>35</sup> According to data from former Sunday Ticket subscribers, when asked, “Why did you sign up for NFL Sunday Ticket?,” over 70 percent of respondents answered that they subscribed to “watch my favorite team, which is out of market[.]”<sup>36</sup> Equally troubling, when asked why they canceled their Sunday Ticket subscription, 70 percent of respondents answered that Sunday Ticket is too expensive.<sup>37</sup> The results shown in the data suggest that the current model of placing many NFL games behind a paywall, especially the Sunday Ticket service, is harming consumers by forcing them to pay for a large package of NFL games when they only want to see a handful of games from a single team. The existence of the data also suggests that the NFL has made misleading claims about Sunday Ticket.

The Committee and Subcommittee will continue their oversight of the Sports Broadcasting Act and whether its antitrust exemption continues to benefit American sports consumers. This oversight may inform legislative reforms to the SBA to improve the sports broadcasting experience for football and other sports fans.

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<sup>31</sup> Document 1533-3 at 67-68, *In re Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, (C.D. Cal. Aug. 15, 2024) [hereinafter “Sunday Ticket Litigation Demonstrative”].

<sup>32</sup> Compare NFL, *NFL Media Overview Ex Parte Letter and Presentation to the Federal Communications Commission* (April 2026), available at <https://www.fcc.gov/ecfs/document/104211150806825/1>, with *infra* notes 96-105; see also Anthony Crupi, *Fuzzy Math: For Fans, the NFL’s Free TV Share Is Closer to 33% Than 87%*, SPORTICO (May 11, 2026).

<sup>33</sup> See *infra* notes 96-105; Crupi, *supra* note 32.

<sup>34</sup> See *infra* notes 185-204.

<sup>35</sup> See *infra* notes 185-204.

<sup>36</sup> See *infra* notes 190-191.

<sup>37</sup> See *infra* note 194.

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**TABLE OF CONTENTS**

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EXECUTIVE SUMMARY ..... 1

TABLE OF CONTENTS ..... 5

I. CONGRESS CREATED A NARROW ANTITRUST EXEMPTION AT THE NFL’S REQUEST ..... 6

    A. LEGAL ISSUES SURROUNDING THE NFL’S TELEVISION AGREEMENTS BEGAN IN THE  
        1950s..... 6

    B. IN 1961, A COURT FOUND THAT THE NFL VIOLATED FEDERAL LAW BY LICENSING ALL  
        GAME BROADCASTS TO CBS ..... 8

    C. AFTER THE COURT’S HOLDING, THE NFL LOBBIED CONGRESS FOR AN ANTITRUST  
        EXEMPTION..... 8

II. THE NFL HAS STRETCHED ITS ANTITRUST EXEMPTION BEYOND THE LANGUAGE OF THE  
    STATUTE..... 10

    A. THE NFL IS FINANCIALLY STRONGER THAN IT WAS IN 1961 ..... 13

III. A COMPARISON TO THE NCAA SHOWS HOW THE NFL IS HARMING CONSUMERS..... 14

    B. THE NFL HAS REJECTED CONSUMER-FRIENDLY DISTRIBUTION OPTIONS..... 17

IV. A JURY OF AMERICANS FOUND THAT THE NFL VIOLATED U.S. ANTITRUST LAW..... 19

    A. A DISTRICT COURT JUDGE IMPROPERLY INVALIDATED THE JURY’S DECISION..... 20

V. THE COMMITTEE’S OVERSIGHT HAS FOUND THAT THE NFL’S CLAIMS ABOUT SUNDAY TICKET  
    ARE MISLEADING ..... 22

CONCLUSION..... 25

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## I. CONGRESS CREATED A NARROW ANTITRUST EXEMPTION AT THE NFL'S REQUEST

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### A. Legal Issues Surrounding the NFL's Television Agreements Began in the 1950s

American businesses and individuals, including sports teams and leagues, must generally follow federal antitrust laws. Most notably for sports leagues, Section 1 of the Sherman Act makes it illegal to enter into agreements that serve as unreasonable restraints of trade.<sup>38</sup> As the Supreme Court has explained, the product of a sports league is “competition itself,” and a league could not function “if there were no rules on which the competitors agreed to create and define the competition to be marketed.”<sup>39</sup> As a result, courts analyze whether an agreement in a sports league is unreasonable under the “rule of reason,” which is “a fact-specific assessment of market power and market structure aimed at assessing the challenged restraint’s actual effect on competition.”<sup>40</sup> In other words, most agreements involving sports leagues and their teams are analyzed based on the specific facts to determine whether the collusive agreements actually harm consumers and are not typically condemned as per se illegal.<sup>41</sup>

Formed in 1920, the National Football League (NFL) is an association of professional football teams.<sup>42</sup> The NFL is currently made up of 32 individual NFL teams based around the country, each of which is a separate, “independently owned, and independently managed business.”<sup>43</sup> Prior to the 1960s, each NFL team entered into its own broadcasting agreements.<sup>44</sup> Still, all the teams agreed to follow the NFL’s bylaws, which limited the types of agreements that teams could sign.<sup>45</sup> Article X of the NFL’s bylaws prohibited each team from entering into an agreement to broadcast its own games within 75 miles of another team’s home city if that other team (1) was playing a home game or (2) playing an away game and broadcasting its game back into its home territory.<sup>46</sup>

In 1951, the U.S. Department of Justice (DOJ) sued the NFL for violating Section 1 of the Sherman Act.<sup>47</sup> The evidence showed that because the games were primarily played on Sunday, and away games were almost always broadcast back to the home area, Article X “effectively prevent[ed] ‘live’ broadcasts or telecasts of practically all outside games in all the home territories.”<sup>48</sup>

In 1953, the U.S. District Court for the Eastern District of Pennsylvania entered a final judgement in the case, largely agreeing with the DOJ that the NFL’s conduct was

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<sup>38</sup> *State Oil Co. v. Khan*, 522 U.S. 3, 10 (1997); *see also* 15 U.S.C. § 1 (“Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.”).

<sup>39</sup> *NCAA v. Bd. of Regents of the Univ. of Okla.*, 468 U.S. 85, 101 (1984); *see also O’Bannon v. NCAA*, 802 F.3d 1049, 1069 (9th Cir. 2015).

<sup>40</sup> *NCAA v. Alston*, 594 U.S. 69, 81 (2021) (internal quotation marks omitted).

<sup>41</sup> *See id.*

<sup>42</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, 933 F.3d at 1144.

<sup>43</sup> *Id.*

<sup>44</sup> *Nat’l Football League*, 196 F. Supp. at 446.

<sup>45</sup> *United States v. Nat’l Football League*, 116 F. Supp. 319, 321 (E.D. Pa. 1953).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 319-21.

<sup>48</sup> *Id.*

anticompetitive.<sup>49</sup> The district court found that television and radio technology allowed football games to be broadcast anywhere.<sup>50</sup> Consequently, when NFL teams agreed to restrict the broadcast of games to certain geographic territories, the teams had agreed not to compete for consumers of broadcast games in certain markets.<sup>51</sup> The court found that it was “a clear case of allocating marketing territories among competitors, which is a practice generally held illegal under the anti-trust laws.”<sup>52</sup> The court acknowledged that in a sports league, “it is not necessary and indeed it is unwise for all the teams to compete as hard as they can against each other in a business way” because “the stronger teams would be likely to drive the weaker ones into financial failure” until “the whole league, both the weaker and the stronger teams, would fail, because without a league no team can operate profitably.”<sup>53</sup>

The district court analyzed the restraints as a fact-specific analysis under the rule of reason.<sup>54</sup> First, the district court analyzed the restriction on the televising of games by teams outside of a local geography into the territory of a team playing a home game.<sup>55</sup> The district court believed that “[r]easonable protection of home game attendance is essential to the very existence of the individual clubs” because, in 1953, the “greatest part of the defendant clubs’ income [was] derived from the sale of tickets to games.”<sup>56</sup> The district court found that the NFL “is truly a unique business enterprise, which is entitled to protect its very existence by agreeing to reasonable restrictions on its member clubs” and the purpose of the antitrust laws would “not be served by prohibiting the defendant clubs, particularly the weaker clubs, from protecting their home gate receipts from the disastrous financial effects of invading telecasts of outside games.”<sup>57</sup> The district court disagreed with the DOJ and refused to find this part of the NFL’s bylaws illegal under the Sherman Act.<sup>58</sup>

The district court reached a different determination, however, when analyzing the restriction on televising games in the home territory of a team playing an away game.<sup>59</sup> The district court found it “obvious that on a day when the home team is playing an away game there is no gate attendance to be harmed back in its home area” and, therefore, the bylaw is not protecting the needed revenues from ticket sales.<sup>60</sup> The district court found this aspect of the NFL’s bylaw to be a violation of the antitrust laws.<sup>61</sup> Accordingly, the district court entered an injunction preventing the NFL from entering into agreements with a similar effect.<sup>62</sup>

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 322.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 323.

<sup>54</sup> *Id.* at 322.

<sup>55</sup> *Id.* at 325.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 326.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* The district court also found the two other provisions of the NFL rules concerning the NFL Commissioners ability to veto certain broadcasting agreements and restrictions on radio broadcasting to be illegal.

<sup>60</sup> *Id.* at 326.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 329-30; *see also Nat’l Football League*, 196 F. Supp. at 447.

## **B. In 1961, a Court Found that the NFL Violated Federal Law by Licensing All Game Broadcasts to CBS**

On April 24, 1961, the NFL entered into an agreement with CBS and filed a petition with the district court to ensure that the agreement was allowed under the 1953 injunction.<sup>63</sup> Under the agreement, CBS would pay the NFL \$4.65 million per year for “the sole and exclusive right to televise all [NFL] games, with certain limited exceptions,” for two years.<sup>64</sup> CBS would have almost complete discretion over the games that would be televised in each geographic area.<sup>65</sup> The NFL would then distribute the licensing fee equally among its 14 member teams.<sup>66</sup> The NFL–CBS contract was a departure from past practice, in which each team negotiated its own agreement to sell its television rights.<sup>67</sup> In effect, the NFL–CBS agreement was the first time NFL teams agreed to pool their television rights and not compete to sell their rights individually.<sup>68</sup>

The DOJ opposed the agreement, arguing that it violated the 1953 court order.<sup>69</sup> In its analysis of the petition, the district court noted that the 1953 order enjoined the NFL and its teams from entering into an agreement that restricted the areas for televising games.<sup>70</sup> The district court sided with the DOJ, finding that the agreement did restrict each team’s ability to determine where to televise its own games in violation of the 1953 order.<sup>71</sup>

## **C. After the Court’s Holding, the NFL Lobbied Congress for an Antitrust Exemption**

The NFL did not appeal the court’s decision and instead lobbied Congress for an antitrust exemption that would allow the league to control the broadcast rights of each NFL team.<sup>72</sup> The NFL and proponents of the exemption argued that broadcasters would refuse to show the games of teams in cities like Green Bay, Minneapolis–St. Paul, Dallas, St. Louis, Detroit, San Francisco, and Philadelphia—because the market for viewing these games was too small at the time—unless the NFL teams could collectively force broadcasters to show the games of local teams in their home markets.<sup>73</sup> The result, according to the NFL, would be that NFL fans would be deprived of viewing their favorite team because broadcasters would only enter contracts with large market teams located in cities like Los Angeles and New York.<sup>74</sup> Although the district

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<sup>63</sup> *National Football League*, 196 F. Supp. at 446.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 447.

<sup>66</sup> *Id.* at 446-47.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 446.

<sup>70</sup> *Id.* at 447.

<sup>71</sup> *Id.*

<sup>72</sup> *Telecasting of Professional Sports Contests: Hearing on H.R. 8757 Before the Antitrust Subcomm. of the H. Comm. on the Judiciary*, 87th Cong., 1st Sess. (1961) [hereinafter 1961 House Judiciary Committee Hearing]; see also *Telecasting of Professional Sports Contests: Hearing on H.R. 8757 Before the Antitrust Subcomm. of the H. Comm. on the Judiciary*, 87th Cong. 10–28 (1961) (statement of Pete Rozelle, Comm’r, National Football League). [hereinafter Rozelle Statement].

<sup>73</sup> 107 Cong. Rec. 20,026, 20,059 (1961) (remarks of Rep. Emanuel Celler); 107 Cong. Rec. 20,581, 20,662 (1961) (statements of Sen. Estes Kefauver and Sen. Roman Hruska); Rozelle Statement *supra* note 72.

<sup>74</sup> *Id.*

court's order in 1953 was primarily focused on NFL rules protecting home game ticket sales, that case was decided during the early days of television. At the time, the NFL argued that by 1962 many NFL teams would begin to fail without shared television revenues controlled by the NFL.<sup>75</sup> As a result, the NFL and proponents of the exemption in Congress warned that individual teams, and eventually the entire league, would cease to exist without the antitrust exemption.<sup>76</sup>

The purpose of the antitrust exemption was to allow teams to pool their television rights for “sponsored telecasting.”<sup>77</sup> Representative Emanuel Celler, who was then the Chairman of the Judiciary Committee and the Antitrust Subcommittee and introduced the legislation in the House of Representatives, explained that sponsored telecasting “does not apply to closed circuit or subscription television” (*i.e.*, television methods that are not available free over-the-air).<sup>78</sup> The language of the bill provided an antitrust exemption to professional football, baseball, basketball, and hockey leagues and their member teams for agreements to sell or transfer rights for the “sponsored telecasting” of games.<sup>79</sup> The resulting statutory exemption, the SBA, was signed by President John F. Kennedy on September 30, 1961.<sup>80</sup>

Although satellite, streaming, and modern cable television services did not exist in 1961, Chairman Celler's statements and multiple federal courts have made clear that the antitrust exemption applies only to free, over-the-air broadcast television.<sup>81</sup> For example, the U.S. Court of Appeals for the Third Circuit held in 1999 that “‘sponsored telecasting’ 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.”<sup>82</sup> The Third Circuit explained that the “NFL got what it lobbied for . . . narrow, discrete, special-interest legislation,” and the court refused to expand that exemption to paid television services.<sup>83</sup> The Court of Appeals for the Ninth Circuit agreed in 2019, holding that “the SBA does not exempt league contracts with cable or satellite television services, for which subscribers are charged a fee, from antitrust liability.”<sup>84</sup>

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<sup>75</sup> Rozelle Statement *supra* note 72; 1961 House Judiciary Committee Hearing *supra* note 72.

<sup>76</sup> *Id.*

<sup>77</sup> Sports Broadcasting Act of 1961, Pub. L. No. 87-331, § 1, 75 Stat. 732, 732; Rozelle Statement *supra* note 72; 1961 House Judiciary Committee Hearing *supra* note 72.

<sup>78</sup> 107 Cong. Rec. 20,060, 20,581 (1961) (statements of Rep. Emanuel Celler and Sen. Estes Kefauver). “Closed-circuit television is beamed to a predetermined restricted audience over private wires.” *Closed-circuit TV Goes Nation-wide*, N.Y. TIMES (Jan. 11, 1960).

<sup>79</sup> *Id.*

<sup>80</sup> Sports Broadcasting Act of 1961, Pub. L. No. 87-331, 75 Stat. 732 (1961).

<sup>81</sup> “Over-the-air television is conveyed by broadcast stations [that] radiate electromagnetic signals from a central transmitting antenna. It is free to any television set within the antenna's range. Cable television, in contrast, typically relies upon cable or optical fibers strung above ground or buried in ducts to reach the homes or businesses of subscribers. Satellite television providers deliver their signals via satellite directly into its customers' homes.” *In re Nat'l Football League's Sunday Ticket Antitrust Litig.*, 933 F.3d 1136, 1147 (9th Cir. 2019) (cleaned up, *citing Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 627 (1994)). More recently, digital streaming services technology sends video data through broadband (*i.e.*, high-speed) internet to televisions, computers, phones, tablets, and other devices. *See generally* Isabella Simonetti & Nate Rattner, *Streamers Are Finally Making Money. For Consumers, It's Getting Messier*, WALL ST. J. (May 21, 2025).

<sup>82</sup> *Shaw v. Dallas Cowboys Football Club, Ltd.*, 172 F.3d 299, 301 (3d Cir. 1999).

<sup>83</sup> *Id.* at 302-03.

<sup>84</sup> *Nat'l Football League's Sunday Ticket Antitrust Litig.*, 933 F.3d at 1147-48.

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## II. THE NFL HAS STRETCHED ITS ANTITRUST EXEMPTION BEYOND THE LANGUAGE OF THE STATUTE

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For 25 years following passage of the SBA, “NFL teams pooled their telecasting rights to their games and sold them as a single package through free, over-the-air television.”<sup>85</sup> The NFL’s collective sale of television rights to free, over-the-air broadcasters was, and remains, exempt from antitrust laws under the SBA.<sup>86</sup> In 1987, however, the NFL entered its first cable deal to sell eight Sunday NFL games to ESPN, a channel not broadcast free, over-the-air.<sup>87</sup> In 1994, the NFL entered an agreement with DirecTV to sell Sunday Ticket, a service that allows an NFL fan to watch out-of-market games that otherwise would not appear in the fan’s geographic market, exclusively through DirecTV’s satellite television service.<sup>88</sup> In 2017, the NFL entered its first all-digital television agreement, which granted Amazon Prime Video exclusive rights to Thursday night NFL games.<sup>89</sup>

On Sundays during football season, NFL fans living in the same geographic market as their favorite team can watch their team play on a local broadcast station.<sup>90</sup> If a fan’s favorite team is playing on Sunday, but the fan lives in an area where the game is not being broadcast, the fan has no choice but to buy the NFL’s Sunday Ticket bundle if the fan wants to watch every game.<sup>91</sup> The fan currently has no option to buy just a single game or just a single team’s games.<sup>92</sup> From 1994 to 2023, Sunday Ticket was exclusively available through DirecTV.<sup>93</sup> Starting in 2023, Sunday Ticket became exclusively available through YouTube and currently costs \$240 per season for new users and \$378 for returning users per season.<sup>94</sup>

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<sup>85</sup> *Id.* at 1146.

<sup>86</sup> *Id.* at 1147.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *NFL completes long-term media distribution agreements through 2033 season*, NFL (Mar. 18, 2021), <https://www.nfl.com/news/nfl-completes-long-term-media-distribution-agreements-through-2033-season>.

<sup>90</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, 933 F.3d at 1143.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *NFL Sunday Ticket Plan Information*, YOUTUBE, [https://tv.youtube.com/learn/nflsundayticket/?gad\\_campaignid=22940583520#id-plan](https://tv.youtube.com/learn/nflsundayticket/?gad_campaignid=22940583520#id-plan) (last visited May 18, 2026).



*On Sunday, three or four NFL games are available in each geographic area on FOX and CBS through free, over-the-air broadcasting and nine to ten games must be purchased through Sunday Ticket to be viewed.<sup>95</sup>*

The NFL boasts that 100 percent of its “local market games” are available free, over-the-air; 87 percent of games have “primary distribution” on broadcast television; and overall it offers “the most fan- and broadcaster-friendly [model] in the entire sports and entertainment industry.”<sup>96</sup> This claim, put forth to government regulators and to Congress, contradicts Sunday Ticket’s own marketing to American consumers who are attempting to find their favorite NFL teams’ telecasts.<sup>97</sup> Advertising for Sunday Ticket currently tells consumers “during the first four weeks of the season, 94% of teams tend to have games on CBS and FOX that are shown in less than half of the country[.]”<sup>98</sup> The marketing warns consumers that “[e]ven fans of the Cowboys, Chiefs, Eagles, Packers, 49ers, Lions (and fans of every other team!) have needed NFL Sunday Ticket to ensure they could watch every regular season Games of their favorite team . . . .”<sup>99</sup>

<sup>95</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 6.

<sup>96</sup> Letter from Nat’l Football League, to Brendan Carr, Chairman, Fed. Commc’ns Comm’n, MB Docket No. 26-45 (Apr. 21, 2026), <https://www.fcc.gov/ecfs/document/104211150806825/1>.

<sup>97</sup> *NFL Sunday Ticket Plan Information*, YOUTUBE, [https://tv.youtube.com/learn/nflsundayticket/?gad\\_campaignid=22940583520#id-plan](https://tv.youtube.com/learn/nflsundayticket/?gad_campaignid=22940583520#id-plan) (last visited May 18, 2026); *see also* Letter from Nat’l Football League, to Brendan Carr, Chairman, Fed. Commc’ns Comm’n, MB Docket No. 26-45 (Apr. 21, 2026), <https://www.fcc.gov/ecfs/document/104211150806825/1>; Briefing by NFL Staff to House Judiciary Comm. Staff (Sept. 18, 2025).

<sup>98</sup> *NFL Sunday Ticket Plan Information*, YOUTUBE, [https://tv.youtube.com/learn/nflsundayticket/?gad\\_campaignid=22940583520#id-plan](https://tv.youtube.com/learn/nflsundayticket/?gad_campaignid=22940583520#id-plan) (last visited May 18, 2026).

<sup>99</sup> *Id.*

## Do I need NFL Sunday Ticket to see my favorite teams? ^

The first initial weeks of the NFL season can be the most exciting for a fan - the NFL has finally returned and every team starts with the same record! But did you know that **during the first four weeks of the season, 94% of teams tend to have games on CBS and FOX that are shown in less than half of the country?** With NFL Sunday Ticket and YouTube TV, you can be sure you'll be able to see those games, no matter where you live in the US. **Even fans of the Cowboys, Chiefs, Eagles, Packers, 49ers, Lions, (and fans of every other team!) have needed NFL Sunday Ticket** to ensure they could watch every regular season game of their favorite team along with a live TV service like YouTube TV.

*Sunday Ticket website warning consumers that 94 percent of teams have games shown in less than half the country, and fans of every team need Sunday Ticket to watch every game of their favorite team.*<sup>100</sup>

The NFL's claim of a fan-friendly distribution model also defies the reality experienced by millions of NFL fans. NFL fans generally have access to three or four games on a Sunday afternoon, when most NFL games are played.<sup>101</sup> The other nine or ten games not available in a given geographic during this time period area are available only through Sunday Ticket.<sup>102</sup> Additional games available on Amazon Prime Video, Netflix, and ESPN, which are generally played on Thursdays, Mondays and holidays, must be purchased through those channels or cable television bundles if the consumer does not live in the team's local market.<sup>103</sup> Notably, games available in a geographic area—whether on broadcast, streaming, or cable—are blacked out of the Sunday Ticket service for fans within those geographies to ensure the various NFL agreements and services never compete with one another.<sup>104</sup>

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<sup>100</sup> *Id.*

<sup>101</sup> *NFL Sunday Ticket Plan Information*, YOUTUBE, [https://tv.youtube.com/learn/nflsundayticket/?gad\\_campaignid=22940583520#id-plan](https://tv.youtube.com/learn/nflsundayticket/?gad_campaignid=22940583520#id-plan) (last visited May 18, 2026); see also *Nat'l Football League's Sunday Ticket Antitrust Litig.*, 933 F.3d at 1148. "Sunday afternoon" refers to the eastern time games beginning at approximately 1p.m. and 4p.m.

<sup>102</sup> *Id.*

<sup>103</sup> Letter from Nat'l Football League, to Brendan Carr, Chairman, Fed. Commc'ns Comm'n, MB Docket No. 26-45 (Apr. 21, 2026), <https://www.fcc.gov/ecfs/document/104211150806825/1>.

<sup>104</sup> *Nat'l Football League's Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, 2024 WL 168298, at \*7.

Pacific Standard Time	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM
<b>CBS</b>		Kansas City @ Indianapolis	<del>X</del>		Jacksonville @ LA Chargers							
		Cincinnati @ NY Jets	<del>X</del>									
		Buffalo @ Miami	<del>X</del>									
		Houston @ Chicago	<del>X</del>									
<b>FOX</b>		Las Vegas @ Tennessee			LA Rams @ Arizona							
		Baltimore @ New England	<del>X</del>		Green Bay @ Tampa Bay	<del>X</del>						
		Philadelphia @ Washington	<del>X</del>		Atlanta @ Seattle	<del>X</del>						
		Detroit @ Minnesota	<del>X</del>									
		New Orleans @ Carolina	<del>X</del>									

Example NFL Sunday broadcast schedule showing the number of games available and the number of games blacked out from over-the-air broadcasting for a consumer.<sup>105</sup>

### A. The NFL is Financially Stronger Than It Was in 1961

The NFL successfully secured passage of the SBA in 1961 by arguing that collusion among the NFL teams for over-the-air broadcasting agreements was necessary for the economic survival of the NFL.<sup>106</sup> In 1960, television revenue for all NFL teams, which at the time each negotiated their own individual agreements, totaled \$2.577 million.<sup>107</sup> The most valuable team's television contract was \$445,000 and the least valuable contract was \$117,000.<sup>108</sup> Under the 1961 NFL contract, CBS would pay the NFL \$4.65 million per year, which would result in each team receiving \$310,000 per year after the league kept its share.<sup>109</sup>

The 1961 NFL agreement, even adjusted for inflation, is magnitudes smaller than the modern NFL broadcasting contracts. In 2026 dollars, the 1961 NFL contract would be worth approximately \$52 million, and each team would receive approximately \$3.5 million.<sup>110</sup> For comparison, in 2025, each NFL received \$416 million from the league's national media, sponsorship, and licensing revenue.<sup>111</sup> Additionally, in 2022, FOX and CBS paid the NFL a combined \$2.7 billion in licensing revenue for the Sunday over-the-air broadcasting rights.<sup>112</sup>

<sup>105</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 25.

<sup>106</sup> See *supra* Sec. I.

<sup>107</sup> 1961 House Judiciary Committee Hearing, *supra* note 72, at 73.

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*; see also *Nat'l Football League*, 196 F. Supp. at 446.

<sup>110</sup> The total inflation rate, using consumer price index in 1961 of 29.9 and 2026 of 333.02, from 1961's average to April 2026 is 1,013.78%. See U.S. Bureau of Labor Statistics, *CPI Inflation Calculator* (last visited May 18, 2026). The CPI of 1961 (Average) is 29.9 and the CPI of Apr. 2026 is 333.02.

<sup>111</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 58.

<sup>112</sup> *Id.* at 42.

Examining a modern NFL team, even one that has struggled to find success on the field, demonstrates the financial strength of teams across the NFL. In January 2023, the Washington Commanders football team finished its season in last place in its division, failed to make the playoffs, and extended a 17-year streak of failing to win a playoff game.<sup>113</sup> Six months later, the Commanders were sold for \$6.05 billion.<sup>114</sup> That same month, the team signed its first-round draft pick to a fully guaranteed, four-year \$15.4 million contract before he ever played a professional game.<sup>115</sup> Later that year, NFL Commissioner Roger Goodell received a contract extension.<sup>116</sup> Although Commissioner Goodell’s salary is not publicly disclosed, he “reportedly earned \$63.9 million annually” in his prior contract.<sup>117</sup>

In 1961, for comparison, Arthur B. Model paid \$4 million to purchase the Cleveland Browns NFL football team.<sup>118</sup> In December 1961, the team signed Ernie Davis, the first overall pick in the draft and the 1961 Heisman Memorial Trophy winner (awarded to the best player in college football), to a three-year contract worth \$80,000.<sup>119</sup> That same year, the NFL increased the salary of then-Commissioner Pete Rozelle to \$60,000.<sup>120</sup>

These figures demonstrate that the NFL is not in the same financial position as it was in 1961. Even adjusted for inflation, the 2023 Commanders sold for nearly 150 times more than the 1961 Browns did; the Commanders’ draft pick was paid 14 times more than Ernie Davis per year; and Commissioner Goodell reportedly received over 100 times more per year than Commissioner Rozelle.<sup>121</sup> Put simply, the value of NFL teams and the salaries of their employees have increased exponentially since 1961, even after adjusting for inflation.<sup>122</sup> While the league is undoubtedly vastly more popular than it was in 1961, and therefore its products are vastly more valuable in the marketplace, the NFL does not follow America’s antitrust laws for television agreements, and is likely charging consumers inflated prices that it would not be legal to charge if the league did not have the antitrust exemption.

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### III. A COMPARISON TO THE NCAA SHOWS HOW THE NFL IS HARMING CONSUMERS

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Beginning in 1951, similarly to the NFL, the NCAA adopted a plan that limited the number of games televised and how many times each team could appear on television.<sup>123</sup> This system continued for three decades, when five major conferences and their member institutions

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<sup>113</sup> *Washington Commanders*, Pro Football Archives, <https://www.profootballarchives.com/washington-commanders.html> (last visited May 19, 2026).

<sup>114</sup> Charles Robinson, *NFL approves \$6.05B sale of Commanders, fines Dan Snyder \$60M after releasing investigation report*, YAHOO SPORTS (July 20, 2023).

<sup>115</sup> Bryan DeArdo et al., *2023 NFL Draft first-round contract tracker: Seahawks' Devon Witherspoon last Round 1 pick to sign rookie deal*, CBS SPORTS (July 28, 2023).

<sup>116</sup> *NFL commissioner Roger Goodell receives 3-year extension*, ESPN (Oct. 18, 2023).

<sup>117</sup> *Id.*

<sup>118</sup> *Two New Yorkers Gain Control of Cleveland Browns in \$4,000,000 Deal*, N.Y. TIMES (Mar. 23, 1961).

<sup>119</sup> *Davis Signs With 16 Cents in Pocket*, EUGENE REGISTER-GUARD (Dec. 29, 1961).

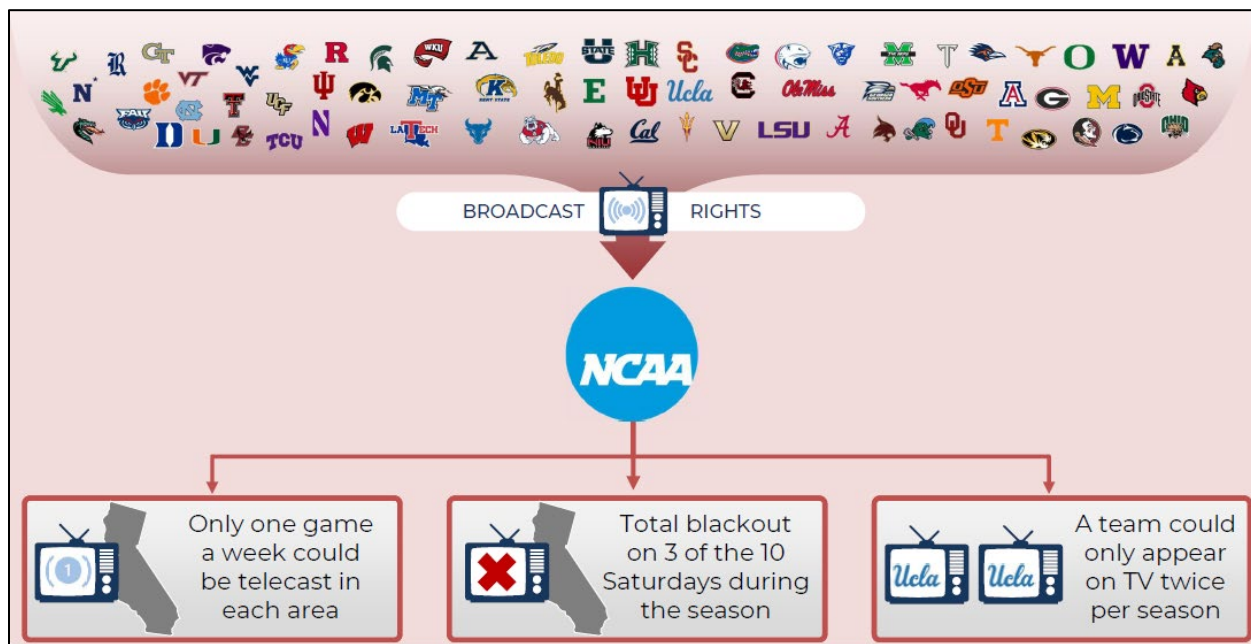
<sup>120</sup> *National Football League Gives Rozelle Raise to \$60,000 a Year*, N.Y. TIMES (May 24, 1962).

<sup>121</sup> Comparing June 1961 consumer price index to June 2023 consumer price index \$4 million is approximately \$41 million, \$80,000 for three years is approximately \$273,000 per year, and \$60,000 is approximately \$614,000. See U.S. Bureau of Labor Statistics, *CPI Inflation Calculator* (last visited May 18, 2026).

<sup>122</sup> *Id.*

<sup>123</sup> *Bd. of Regents*, 468 U.S. at 89-90.

signed a television agreement outside of the NCAA's control that would result in more televised games.<sup>124</sup> In response, the NCAA announced that it would take disciplinary action against any school that complied with the non-NCAA television agreement.<sup>125</sup>



*The NCAA's broadcasting rules prior to 1984 put control in the hands of the NCAA and limited the output of games on television.*<sup>126</sup>

The University of Oklahoma and the University of Georgia sued the NCAA claiming that the NCAA's television plan restrained trade in violation of Section 1 of the Sherman Act.<sup>127</sup> The NCAA is not protected by the SBA, which applies only to professional sports.<sup>128</sup> The Supreme Court analyzed the NCAA's television restrictions under the rule of reason and found that the NCAA's television agreement had an anticompetitive effect because it resulted in less televised games, and that under the NCAA's control, the availability of games and price for accessing televised NCAA football was unresponsive to consumer preferences.<sup>129</sup>

The NCAA lawsuit resulted in more competition to televise games among teams and conferences (*i.e.*, groups of teams that organize their own members, rules, and television rights agreements) and, as expected, higher output for consumers.<sup>130</sup> On Saturdays, college football fans can now access dozens of games on various television channels.<sup>131</sup> In comparison, the NFL, which has no competition between the teams or conferences for televised games, puts most of its

<sup>124</sup> *Id.* at 94-95.

<sup>125</sup> *Id.* at 95.

<sup>126</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 57.

<sup>127</sup> *Bd. of Regents*, 468 U.S. at 95, 98.

<sup>128</sup> Sports Broadcasting Act of 1961, Pub. L. No. 87-331, 75 Stat. 732 (1961).

<sup>129</sup> *Bd. of Regents*, 468 U.S. at 106-08.

<sup>130</sup> *See id.*; Sunday Ticket Litigation Demonstrative, *supra* note 31, at 61.

<sup>131</sup> *See* Sunday Ticket Litigation Demonstrative, *supra* note 31, at 61.

games behind various paywalls.<sup>132</sup> The NFL’s own analysis showed that the average NFL game only appeared in 39 percent of U.S. households, which was 26 percentage points lower than the South Eastern Conference’s (SEC) college football games.<sup>133</sup> Of the NFL’s 256 regular season games in 2016, 113 were broadcast in less than 20 percent of households.<sup>134</sup>

Pacific Time	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM
abc	Notre Dame vs Navy			Nebraska @ Michigan			TCU @ Texas							
CBS	Missouri @ Tennessee			Alabama @ Ole Miss										
NBC														
FOX	Indiana @ Ohio State			Maryland @ Penn State			Washington @ Oregon			Arizona @ UCLA				
ESPN	LSU @ Arkansas			Louisville @ Clemson			Georgia @ Mississippi State			Stanford @ Utah				
ESPN 2	Purdue @ Illinois			UCF @ Tulane			North Carolina @ West Forest							
ESPN U	SMU @ South Florida			Iowa State @ Oklahoma State			Southern Miss @ Coastal Carolina							
FS1	Oklahoma @ West Virginia			Wisconsin @ Iowa			Kansas State @ Baylor			San Jose State @ San Diego State				
Regional SNs	Virginia Tech @ Duke			Miami @ Georgia Tech										
SEC ESPN	Vanderbilt @ Kentucky			South Carolina @ Florida			Texas A&M @ Auburn							
BTN	Rutgers @ Michigan State			Northwestern @ Minnesota										
ACCN	Pittsburgh @ Virginia			Boston College @ N.C. State			Florida State @ Syracuse							
TNT				Army @ Troy										
PAN 12				Arizona State @ Washington State			California @ Oregon State							
CBS SPORTS NETWORK	Liberty @ Connecticut			New Mexico @ Air Force			Wyoming @ Colorado State			Boise State @ Nevada				

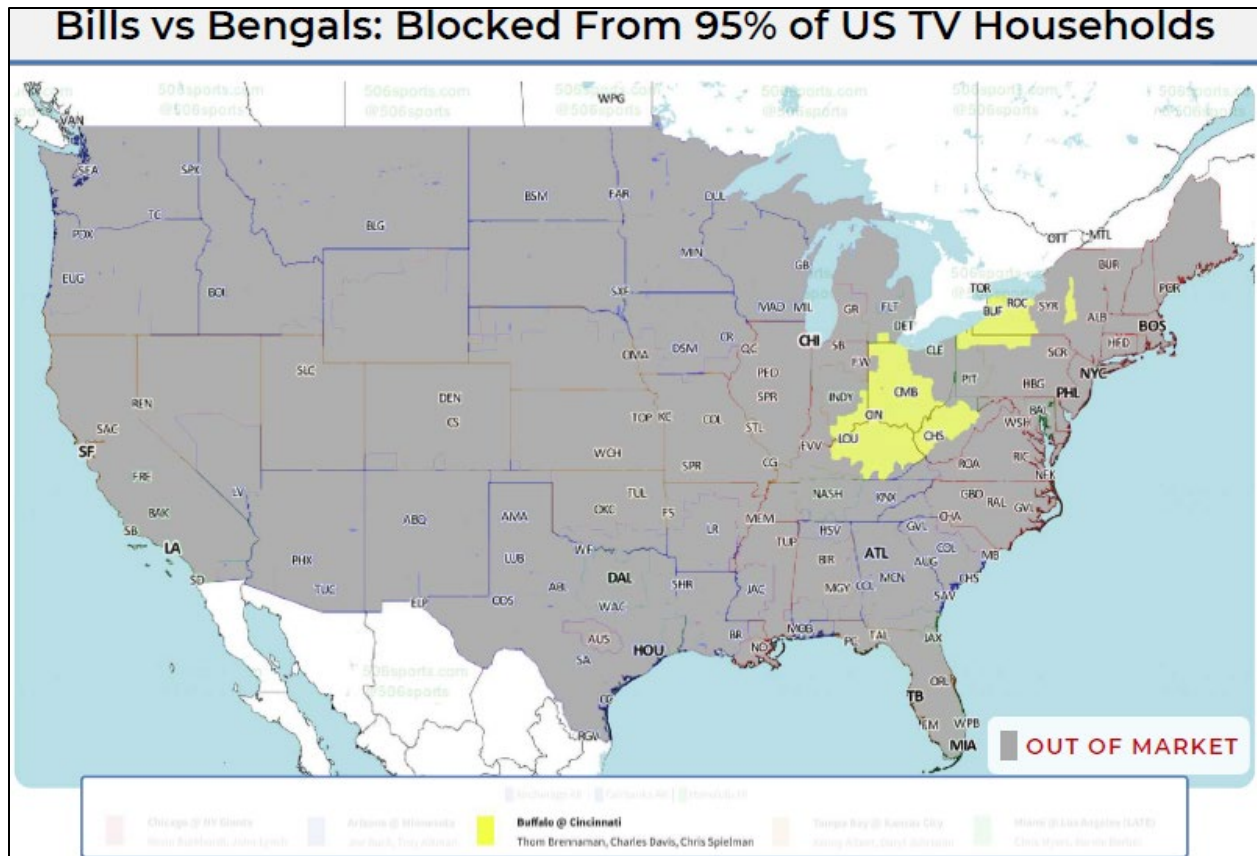
*Example college football Saturday schedule resulting from competition among conferences and teams that leads to many games available multiple networks.<sup>135</sup>*

<sup>132</sup> *Id.* at 26.

<sup>133</sup> *Id.* at 68.

<sup>134</sup> *Id.*

<sup>135</sup> *Id.* at 61.



*Example NFL broadcasting map in which a game is blocked out from being broadcast to most American households.<sup>136</sup>*

## **B. The NFL Has Rejected Consumer-friendly Distribution Options**

Documents released as part of the litigation show that the NFL has created internal modeling for expanding broadcast access to its games.<sup>137</sup> In 2017, the NFL considered a hypothetical broadcasting model, called the “New Frontier” model, in which games would appear not only on FOX and CBS on Sunday, but also on FS1, ESPN, ESPN2, FX, TBS, TNT, and CBS Sports Network.<sup>138</sup> The NFL found that under the New Frontier model, “average distribution of NFL regular season games has the potential to double from ~39% to ~77% of U.S.” television households.<sup>139</sup> Teams in the top half of distribution rates would increase their household distribution by 29 percent, and teams in the bottom half of distribution rates would increase household distribution by 47 percent.<sup>140</sup>

<sup>136</sup> *Id.* at 30.

<sup>137</sup> *Id.* at 70.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

Channel	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM
 CBS	Pittsburgh Steelers at Cincinnati Bengals			Oakland Raiders at Denver Broncos			
 FOX	Seattle Seahawks at Baltimore Ravens			Dallas Cowboys at Green Bay Packers			
 abc	Washington Redskins at Chicago Bears						
 NBC	San Francisco 49ers at Cleveland Browns						
 ESPN	Buffalo Bills at Philadelphia Eagles						
 ESPN 2	Atlanta Falcons at Carolina Panthers						
 ESPN U							
 ESPN NEWS							
 FS1	New Orleans Saints at Tampa Bay Buccaneers						
 NFL NETWORK	Detroit Lions at St. Louis Rams						
 tbs	Indianapolis Colts at Jacksonville Jaguars						
 TNT	San Diego Chargers at Kansas City Chiefs						
 USA	Tennessee Titans at New York Jets						

*Example of a potential NFL schedule under the NFL's New Frontier model.<sup>141</sup>*

Other consumer-friendly models of distribution have been proposed to and rejected by the NFL. For example, ESPN proposed a package to the NFL that would have included Sunday Ticket at \$70 per season.<sup>142</sup> The NFL, which claims to have no control over the price of Sunday Ticket, rejected ESPN's offer, with one NFL employee writing in an email to Commissioner Goodell that the NFL did not like the low price point for Sunday Ticket.<sup>143</sup> In other words, the NFL rejected ESPN's offer because Sunday Ticket would be too affordable for consumers.<sup>144</sup> Additionally, the NFL communicated to ESPN that it did not like a proposal to offer a team-by-team product (*i.e.*, being able to purchase the games of a single team).<sup>145</sup> The team-by-team product would create an alternative to the existing Sunday Ticket product, which requires that a consumer buy access to every out-of-market game, even if the consumer only wants to watch one team or one game.<sup>146</sup>

<sup>141</sup> *Id.* at 63.

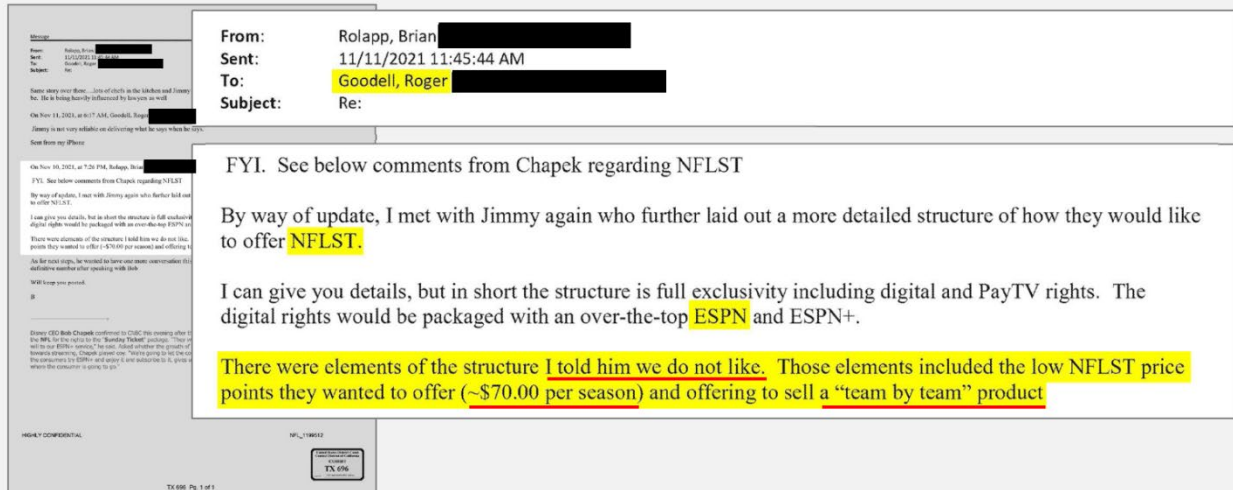
<sup>142</sup> *Id.* at 81.

<sup>143</sup> *Id.* See also Briefing by NFL Staff to House Judiciary Comm. Staff (Sept. 18, 2025) (claiming the NFL does not control the pricing of Sunday Ticket).

<sup>144</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 81.

<sup>145</sup> *Id.*

<sup>146</sup> Compare *id.*, with NFL Sunday Ticket Plan Information, YOUTUBE, [https://tv.youtube.com/learn/nflsundayticket/?gad\\_campaignid=22940583520#id-plan](https://tv.youtube.com/learn/nflsundayticket/?gad_campaignid=22940583520#id-plan) (last visited May 18, 2026).



*NFL’s response to ESPN’s proposal in which the NFL rejects a low price point for Sunday Ticket and a team-by-team product that would offer more consumer choice.*<sup>147</sup>

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#### IV. A JURY OF AMERICANS FOUND THAT THE NFL VIOLATED U.S. ANTITRUST LAW

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In 2015, a group of Sunday Ticket subscribers sued the NFL under Section 1 of the Sherman Act, claiming that NFL’s Sunday Ticket model harms consumers and is the result of collusion among the 32 NFL teams.<sup>148</sup> The plaintiffs alleged that without the collusion, the teams “would compete against one another by distributing telecasts of their games through various cable, satellite, and internet channels.”<sup>149</sup> Without competition, according to the plaintiffs, the NFL benefits from “supracompetitive prices for Sunday Ticket because fans unwilling to pay for Sunday Ticket cannot, for example, purchase out-of-market games individually or by team.”<sup>150</sup> In other words, “the telecasts solely available on Sunday Ticket would be available through other means, which would result in a greater number of telecasts of NFL games that would be more accessible to more viewers at lower prices.”<sup>151</sup> The plaintiffs pointed to college sports to demonstrate how popular football games can reach audiences without control by a centralized sports league.<sup>152</sup>

The class established by the plaintiffs included over 24 million residential Sunday Ticket subscribers and over 500,000 commercial establishments (*e.g.*, bars and restaurants) that purchased Sunday Ticket from 2011 to 2023 (the year Sunday Ticket switched from DirecTV to YouTube).<sup>153</sup> According to one economic expert, the plaintiffs were illegally charged over \$7

<sup>147</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 81.

<sup>148</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, 933 F.3d at 1143-48. The plaintiffs also sued under Section 2 of the Sherman Act. *Id.*

<sup>149</sup> *Id.* at 1143-44.



<sup>150</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, 2024 WL 168298, at \*1-2; *see also Nat’l Football League’s Sunday Ticket Antitrust Litig.*, 933 F.3d at 1149.

<sup>151</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, 2024 WL 168298, at \*1-2.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.* at \*17.

billion.<sup>154</sup> American households paid over \$5.5 billion of those charges for Sunday Ticket.<sup>155</sup> Over that time period, Sunday Ticket generated \$15.4 billion in licensing revenue for the NFL, compared to \$23.2 billion in licensing revenue from CBS and FOX their Sunday games.<sup>156</sup> Notably, the CBS and FOX agreements result in free, over-the-air broadcasting and are protected by the SBA, while Sunday Ticket exclusively exists behind a paywall and is not protected by the SBA.<sup>157</sup>

CATEGORY	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
 Sunday Afternoon CBS FOX	\$1.3B	\$1.3B	\$1.4B	\$1.7B	\$1.7B	\$2.0B	\$2.0B	\$2.0B	\$2.3B	\$2.3B	\$2.5B	\$2.7B	\$23.2B
 NFL SUNDAY TICKET <small>ONLY ON CABLE</small>	\$0.9B	\$0.9B	\$1.0B	\$1.0B	\$1.1B	\$1.2B	\$1.3B	\$1.4B	\$1.5B	\$1.6B	\$1.6B	\$1.7B	\$15.4
<b>TOTAL</b>												<b>\$38.6B</b>	

*NFL licensing revenue comparisons between FOX and CBS broadcasting and Sunday Ticket.*<sup>158</sup>

The trial took place from June 5 to June 26, 2024.<sup>159</sup> The jury found that the NFL’s conduct violated Section 1 of the Sherman Act.<sup>160</sup> The jury awarded the American households that subscribed to Sunday Ticket from 2011 to 2023 over \$4.6 billion in damages and the restaurants and bars that subscribed to Sunday Ticket during that period over \$96 million in damages.<sup>161</sup> Under antitrust law, damages are automatically tripled, resulting in a judgement of over \$14 billion dollars against the NFL.<sup>162</sup>

### A. A District Court Judge Improperly Invalidated the Jury’s Decision

After losing the jury trial, the NFL moved for a post-verdict judgment as a matter of law under Federal Rules of Civil Procedure rule 50(b), which allows for challenges to the sufficiency of the evidence to support a party’s case.<sup>163</sup> Under Ninth Circuit case law, a judgment as a matter of law should be granted only if “the evidence and all reasonable inferences in favor of the verdict could lead a reasonable person to only one conclusion, that the moving party [here the NFL] was entitled to judgment.”<sup>164</sup> The NFL pointed to Federal Rule of Evidence (FRE) 702, which “provides that expert opinion evidence is admissible if the proponent demonstrates that it

<sup>154</sup> *Id.* at \*5.

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> See *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, 933 F.3d at 1151.

<sup>158</sup> Sunday Ticket Litigation Demonstrative, *supra* note 31, at 42.

<sup>159</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, 2024 WL 168298, at \*1-2.

<sup>160</sup> *Id.* The jury also found that the conduct violated Section 2 of the Sherman Act. *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, 2024 WL 3628118, at \*2.

<sup>164</sup> *Id.*

is more likely than not that . . . the testimony is the product of reliable principles and methods . . . .”<sup>165</sup> The NFL argued that the testimony provided by the plaintiffs’ two economic experts:

should be excluded under FRE 702 because the models they developed are not products of sound methodologies. And because their models are Plaintiffs’ only evidence that all class members were injured and damaged by the challenged conduct, without their testimony, [the NFL] should be granted judgment as a matter of law on those issues.<sup>166</sup>

The court agreed and excluded the testimony of both experts.<sup>167</sup>

The first economic expert built his model around the assumption that if NFL teams stopped colluding, the teams would sell their out-of-market games individually or through their division (*i.e.*, NFC East, NFC West, NFC South, NFC North, AFC East, AFC West, AFC South, and AFC North), which would result in a world that looked similar to college football Saturdays.<sup>168</sup> This expert calculated damages to be \$7.01 billion (before trebling), which is more than the \$4.7 billion the jury awarded.<sup>169</sup> The district court took issue with the expert’s determination that there were potentially multiple ways that individual teams and division could negotiate their rights as well as the expert’s claim that the NFL teams “are sophisticated entities . . . and they figured it out in college sports, [so] they would certainly figure it out at the NFL.”<sup>170</sup>

The class action plaintiffs’ other economic expert argued that to survive antitrust scrutiny, the NFL would have to abandon exclusivity for the Sunday Ticket product, resulting in price competition.<sup>171</sup> This expert predicted \$3.48 billion in damages.<sup>172</sup> The district court took issue with this expert’s assumption that there would be more “direct-to-consumer” options for Sunday Ticket.<sup>173</sup> Specifically, the district court found problems with the expert’s refusal to specifically define direct-to-consumer and provide examples of companies that could technologically provide the service.<sup>174</sup>

In invalidating the jury verdict, the district court cited Ninth Circuit law that explained that proving a Sherman Act Section 1 claim required three elements: “(1) the existence of a contract, combination, or conspiracy between or among the NFL, the NFL Teams, and DirecTV; (2) that the contract, combination, or conspiracy unreasonably restrained trade; and (3) that the restraint caused Plaintiffs to suffer an injury to their business or property.”<sup>175</sup> The district court

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<sup>165</sup> *Id.*

<sup>166</sup> *Id.* at \*3.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Id.* at \*3, \*9.

<sup>170</sup> *Id.* at \*4-7.

<sup>171</sup> *Id.* at \*7.

<sup>172</sup> *Id.* at \*9.

<sup>173</sup> *Id.* at \*7-8.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

explained that a reasonable jury could find that there was a conspiracy that unreasonably restrained trade, even without the economic experts.<sup>176</sup> In other words, a reasonable jury could, and here did, find the NFL engaged in anticompetitive conduct.<sup>177</sup> However, the district court held that without the testimony of the economic experts, it was impossible for the “jury to determine on a class-wide basis that Sunday Ticket subscribers would have indeed paid less in the absence of [the NFL’s] anticompetitive conduct.”<sup>178</sup> The plaintiffs appealed this ruling, and the appeal is currently pending at the Ninth Circuit.<sup>179</sup>

The DOJ’s brief in support of the class action plaintiffs on appeal highlights one of the district court’s key errors. Regardless of whether past-purchasers of Sunday Ticket should receive damages, the DOJ explained that the district court did not address that the jury’s verdict found that the NFL is engaged in ongoing anticompetitive conduct and that injunctive relief by a judge following such a verdict is an appropriate remedy.<sup>180</sup> Specifically, injunctive relief to prevent future anticompetitive conduct does not require that plaintiffs quantify or demonstrate past injury.<sup>181</sup> The DOJ argued that NFL’s motion for judgment as a matter of law did not even address whether the ample evidence provided to the jury at trial was sufficient to address whether the plaintiffs could show threatened future loss.<sup>182</sup> For example, the NFL’s own documents, including documentation of the New Frontier model that demonstrated a large increase in the output of NFL games available on broadcast as an alternative to Sunday Ticket, provided evidence of harm from the continuation of the current collusion.<sup>183</sup> Instead, the court only focused on the past injury calculated by the economic experts.<sup>184</sup>

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## V. THE COMMITTEE’S OVERSIGHT HAS FOUND THAT THE NFL’S CLAIMS ABOUT SUNDAY TICKET ARE MISLEADING

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NFL defends its television model by arguing that Sunday Ticket is for avid fans who want access to every game. At trial in the class action litigation, the NFL’s Vice President of Media Strategy & Business Development testified that the NFL “make[s] a lot of games available for free to fans, and then for avid fans that want additional games, there is a way to get those that’s broadly available” through Sunday Ticket.<sup>185</sup> NFL contracts with broadcasters include restrictions on the sale and marketing of Sunday Ticket, including requirements that Sunday Ticket be “marketed as [a] premium product[] for avid League fans” and that games cannot be sold “a la carte or [on a] pay per view basis.”<sup>186</sup> In a briefing for Committee staff on September 18, 2025, an NFL representative claimed that Sunday Ticket “was meant to be a product that was

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<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> See *Brief for the United States as Amicus Curiae in Support of Plaintiffs-Appellants, In re National Football League’s Sunday Ticket Antitrust Litig.*, No. 24-5493 (9th Cir. Jan. 17, 2025).

<sup>180</sup> *Id.* at 3.

<sup>181</sup> *Id.*

<sup>182</sup> *Id.* at 19.

<sup>183</sup> *Id.* at 22-23.

<sup>184</sup> *Id.* at 19.

<sup>185</sup> Deposition of Brent Douglas Lawton at 35:12-18, *In re Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, (C.D. Cal. June 22, 2022).

<sup>186</sup> *Nat’l Football League’s Sunday Ticket Antitrust Litig.*, No. 2:15-ml-02668-PSG-SK, 2024 WL 168298, at \*6 (internal quotation marks omitted).

available for the truly avid fan who wants every game,” and did not claim that the product was meant for fans to watch every game of only their team.<sup>187</sup>

The Committee and Subcommittee obtained data from YouTube, the current exclusive Sunday Ticket distributor.<sup>188</sup> The Committee and Subcommittee have discovered that when subscribers canceled their Sunday Ticket subscriptions, they receive a link to an optional survey.<sup>189</sup> In this survey, YouTube asked consumers, “Why did you sign up for NFL Sunday Ticket?,” and allowed respondents to select up to three reasons.<sup>190</sup> Over 70 percent of respondents answered that they subscribed to “watch my favorite [NFL] team, which is out of market[.]”<sup>191</sup> In other words, the vast majority of Sunday Ticket subscribers—over two-thirds—wanted to see only their favorite team, but the NFL’s collusion meant that the only way they could do so was to buy every game available through Sunday Ticket.<sup>192</sup> Only 33 percent of the surveyed Sunday Ticket users said they subscribed to “watch as many NFL games as possible[.]”<sup>193</sup> To make the NFL’s inaccurate claims even worse, when asked why they canceled, 70 percent of respondents answered that they canceled Sunday Ticket because it is too expensive.<sup>194</sup> In other words, consumers bought a product they did not want and that was too expensive because it was the only option available.

It is unclear if YouTube shared this data with the NFL or whether the NFL was otherwise aware of similar evidence about consumer preferences. This data suggests that the NFL has designed a premium product that provides access to every out-of-market game in the league despite consumers wanting only out-of-market games from their favorite team. In other words, fans are forced to buy access to a large swath of content that they do not actually want. However, because of the NFL’s control of all the games and restrictions on how out-of-market games are sold, consumers are compelled to purchase a too-big, too-expensive package. The existence of this data raises several questions: Did the NFL simply not know consumers demanded a different product but were stuck buying Sunday Ticket from the NFL? Did the NFL understand consumer preferences but continuously offered a product that consumers did not desire and, through collusion, prevented individual teams from providing the single-team product consumers actually wanted to buy? Did the NFL intend to mislead Congress during the Committee’s investigation of the SBA by making claims about the target consumer?<sup>195</sup>

To understand the severity of the NFL’s ability to charge consumers a price above the competitive level, examine a hypothetical Green Bay Packers fan who lives in Dallas, Texas. For the 2026 season, the Packers are scheduled to play eight games on FOX, two games on Amazon

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<sup>187</sup> Briefing by NFL Staff to House Judiciary Comm. Staff (Sept. 18, 2025).

<sup>188</sup> *Google announce agreement to distribute NFL Sunday Ticket on YouTube TV, Primetime Channels*, NFL (DEC. 22, 2022).

<sup>189</sup> YouTube, Data request: HJC on NFL ST Cancellation Survey Results, at 3.

<sup>190</sup> *Id.* at 18.

<sup>191</sup> *Id.*

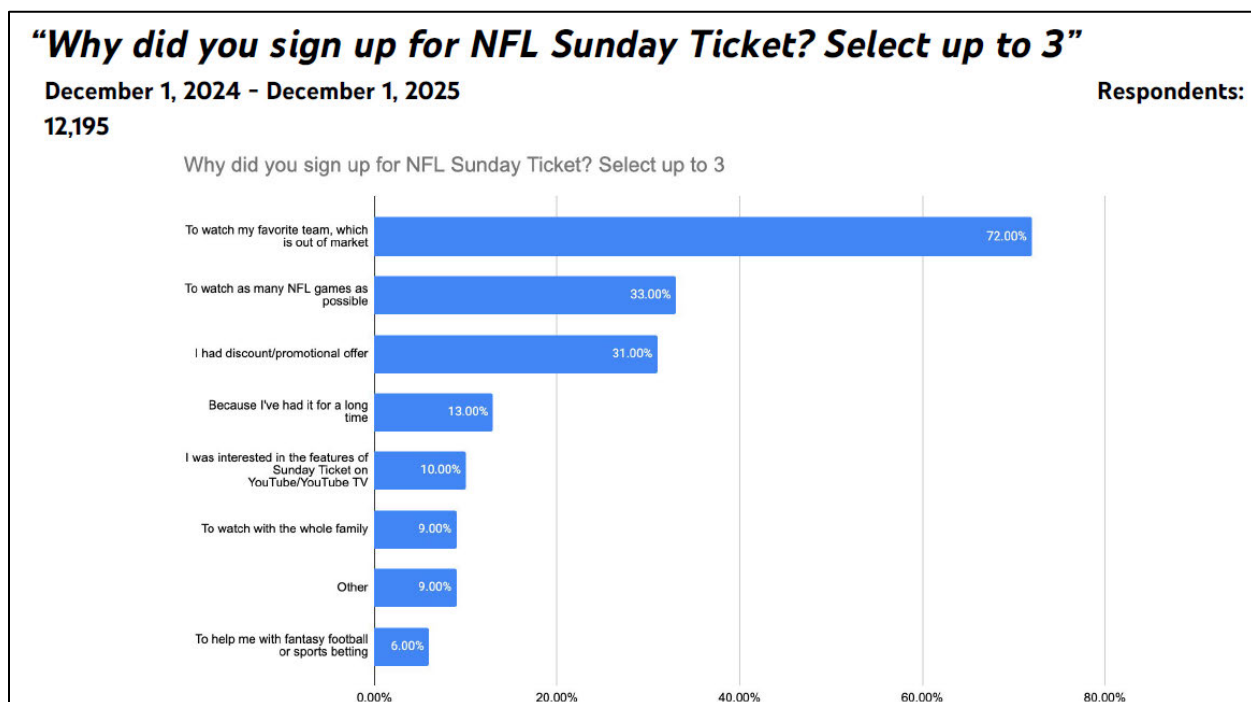
<sup>192</sup> *See id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.* at 14.

<sup>195</sup> Depending on the nature of what NFL representatives knew about Sunday Ticket when making claims to Congress and the NFL’s intent in making those claims, the statements could equate to making a “materially false, fictitious, or fraudulent statement or representation” to Congress. 18 U.S.C. § 1001.

Prime Video, two games on Netflix, two games on NBC, one game on ESPN, one game on CBS, and one unscheduled game that is left to be determined by the NFL.<sup>196</sup> The fan will need access to Amazon Prime Video, Netflix, NBC, and ESPN to see the seven games scheduled for those services.<sup>197</sup> For the nine games scheduled for FOX and CBS, the fan will likely need FOX and CBS because some of the games will be on broadcast television in Dallas.<sup>198</sup> The fan will also likely need Sunday Ticket just to watch some subset of the nine FOX and CBS games because some of the FOX and CBS games will likely not be on broadcast television in Dallas, Texas.<sup>199</sup> The fan will not know which games will and will not be on broadcast until the NFL and relevant networks release the broadcasts maps the week of the games.<sup>200</sup> Additionally, through the NFL’s “Flex Scheduling Windows” rules, games scheduled for Amazon Prime Video, NBC, and ESPN can be moved to a different time and platform or broadcast channel if the NFL does not think the current game scheduled is a “quality matchup.”<sup>201</sup> For the Packers fan, the scheduling details for the one unscheduled game will be announced the week of that game.<sup>202</sup> If this Packers fan is one of the over 70 percent of consumers represented by the data obtained by the Committee, then this consumer might spend \$378 on Sunday Ticket to purchase less than ten games.



<sup>196</sup> Packers Announce 2026 Schedule, GREEN BAY PACKERS (May 14, 2026).

<sup>197</sup> See *id.*

<sup>198</sup> See, e.g., Liam McKeone, *NFL Week 14 Coverage Map: Full Breakdown of CBS, Fox Broadcasts*, SPORTS ILLUSTRATED (Dec. 3, 2025).

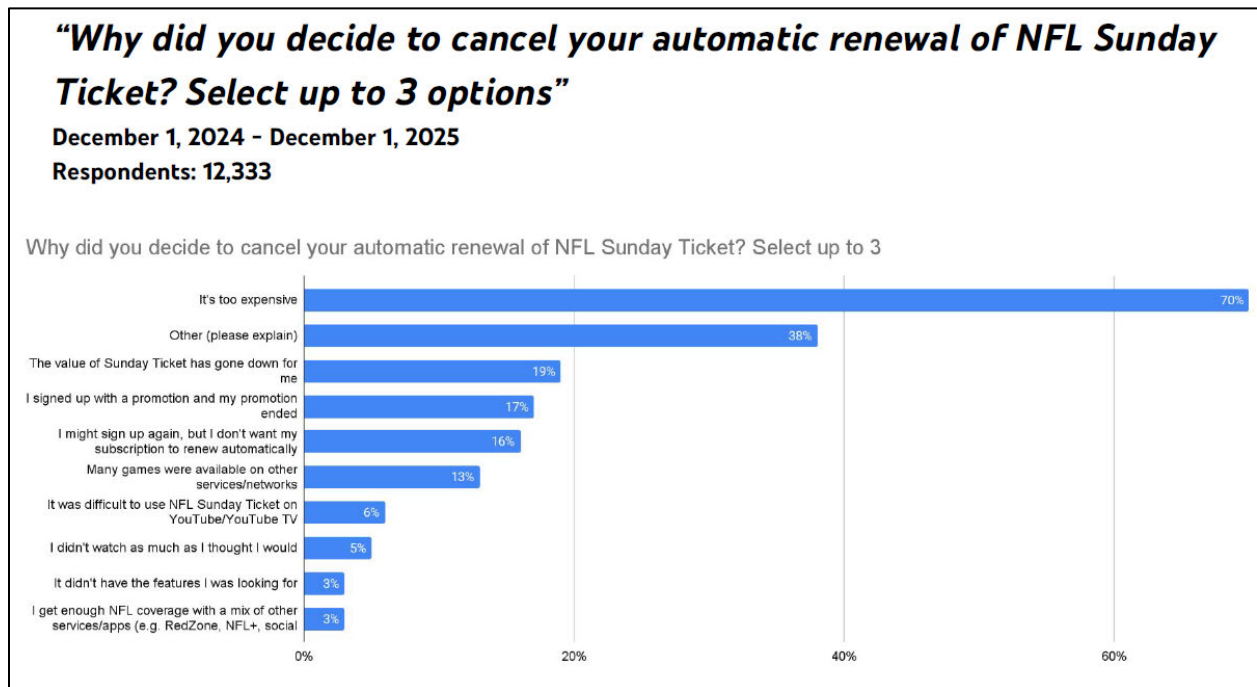
<sup>199</sup> *Id.*

<sup>200</sup> See, e.g., *NFL TV Schedule and Maps: Week 17, 2026*, 506Sports (2026), <https://506sports.com/nfl.php?yr=2026&wk=17>.

<sup>201</sup> Packers Announce 2026 Schedule, GREEN BAY PACKERS (May 14, 2026); Max Molski, *Why the NFL flexes games and how changing the 2026 schedule will work*, NBC SPORTS (Nov. 5, 2025).

<sup>202</sup> Packers Announce 2026 Schedule, GREEN BAY PACKERS (May 14, 2026).

*Sunday Ticket data shows that over 70 percent of respondents bought Sunday Ticket even though they only wanted to watch their favorite team.<sup>203</sup>*



*Sunday Ticket data shows that consumers canceled Sunday Ticket because it was too expensive.<sup>204</sup>*

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## CONCLUSION

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The NFL is currently facing an onslaught of consumer complaints about the cost of watching games and ongoing litigation that may transform NFL telecasting.<sup>205</sup> Notably, the NFL attempted to rely on the SBA to immunize its conduct in the ongoing Sunday Ticket litigation.<sup>206</sup> Consumer complaints and ongoing questions about the role of the SBA have led Members of Congress to revisit the justifications for the SBA and consider potential legislative reforms.<sup>207</sup>

The legislative history and text of the SBA make it clear that the law was created to protect a struggling league and provide consumers with free access to televised NFL games.<sup>208</sup>

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<sup>203</sup> YouTube, Data request: HJC on NFL ST Cancellation Survey Results, at 18.

<sup>204</sup> *Id.* at 14.

<sup>205</sup> Fox News Polling Unit, *Fox News Poll: Fans say paywalled sports are out of bounds*, FOX NEWS (Mar. 27, 2026).

<sup>206</sup> *Nat'l Football League's Sunday Ticket Antitrust Litig.*, 933 F.3d at 1149.

<sup>207</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary & Rep. Scott Fitzgerald, Chairman, Subcomm. on the Administrative State, Regulatory Reform, & Antitrust, to Roger Goodell, Comm'r, Nat'l Football League (Aug. 11, 2025); Letter from Sen. Ted Cruz, Chairman, S. Comm. on Commerce, Sci., & Transp., to Roger Goodell, Comm'r, Nat'l Football League (April 17, 2025); Letter from Sen. Mike Lee, Chairman, S. Judiciary Subcomm. on Antitrust, Competition Pol'y & Consumer Rts., to Roger Goodell, Comm'r, Nat'l Football League (Mar. 8, 2026).

<sup>208</sup> See *supra* Sec. I.C.

The NFL's finances have more than stabilized, as the value of licensing rights from just CBS and FOX in a single year is more than 50 times greater than the original 1961 broadcasting agreement, as adjusted for inflation.<sup>209</sup> Despite the increase in value for agreements covered by the SBA and clear guidance from the courts, the NFL has stretched the limits of its antitrust exemption.<sup>210</sup> As a result, the NFL narrowly escaped a \$14 billion jury verdict, which is on appeal and could still result in changes to, and damages from, the NFL.<sup>211</sup> As President Trump recently said when asked about the league's television decisions, the NFL "could be killing the golden goose."<sup>212</sup>

The DOJ explained in its brief supporting the Sunday Ticket plaintiffs that the "NFL's illegal practices are continuing" and NFL fans must choose between watching the limited number of broadcast local games or paying a premium price for paywalled services.<sup>213</sup> In attempting to defend their practices, the NFL has made claims to Congress that appear inconsistent with new data received by the Committee and Subcommittee as part of its oversight and detailed in this report.<sup>214</sup> The data raises concerns about the veracity of the NFL's claim that Sunday Ticket is for avid fans who want all of the games—Sunday Ticket's own consumers say they purchased the product to watch only their favorite team.<sup>215</sup>

When notifying an NFL team about a punishment in 2012, NFL Commissioner Roger Goodell stated, "No one is above the game or the rules that govern it. Respect for the game and the people who participate in it will not be compromised."<sup>216</sup> The NFL should revisit this warning when analyzing the antitrust laws. Except for a narrow exemption, the NFL is not above the antitrust laws, and the law should not be compromised to harm the American consumers who spend money to enjoy these games. The NFL now faces the potential for litigation that could upend its business model. One potential path forward is for the 32 independent NFL teams to follow another piece of advice from Commissioner Goodell that he gave to the NFL owners during a presentation in 2006: "Change before you're forced to change."<sup>217</sup>

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<sup>209</sup> See *supra* Sec. IA.; see also notes 110, 121.

<sup>210</sup> See *supra* Sec. II.

<sup>211</sup> See *supra* notes 171-179.

<sup>212</sup> *FULL INTERVIEW: Donald Trump on Iran, government investigation into NFL, and the midterm elections*, YOUTUBE, at 7:50 (May 10, 2026) <https://www.youtube.com/watch?v=e73syW1fKEY>.

<sup>213</sup> See Brief for the United States as Amicus Curiae in Support of Plaintiffs-Appellants at 25, *In re Nat'l Football League's Sunday Ticket Antitrust Litig.*, No. 24-5493 (9th Cir. Jan. 17, 2025).

<sup>214</sup> See *supra* Sec. V.

<sup>215</sup> See *supra* notes 188-193.

<sup>216</sup> *NFL announces management discipline in Saints' 'bounty' matter*, NFL (Mar. 21, 2012).

<sup>217</sup> Judy Battista, *Five Years of Successes and Strife*, N.Y. TIMES (Aug. 29, 2011).