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To: Congressman Michael Baumgartner
Re: Feedback on the SCORE Act and Proposed Executive Order on NIL

Thank you for your leadership on college athletics and your willingness to engage directly with those of us working every day to support student-athletes. As Commissioner and Deputy Commissioner of The Big West, we represent institutions that compete at the highest level of NCAA athletics — but do so without the financial machinery available to those within the College Football Playoff-aligned conferences (CFP4). The Big West (and many conferences like us) believe in the mission of college sports, but we need thoughtful legislation that preserves opportunity, ensures competitive opportunity, and reflects our economic reality.

Key Points of Feedback on the SCORE Act

1. **The 16-Sport Minimum Requirement Will Harm More Than Help**

Though the proposed 16-sport requirement at first appears to support broad-based athletic opportunities — especially for Olympic sports and women's programs, it will unintentionally harm them. Most NCAA Division I athletic departments already operate with tight margins or at a significant financial loss. Forcing them to sponsor more sports while absorbing new costs associated with the *House* settlement, new NCAA health and safety initiatives, and requirements of this proposed bill may result in:

- Cutting existing programs to comply and/or
- Dropping competitiveness across all sports due to underinvestment.

Recommendation: Replace the 16-sport mandate with a flexible, resource-based threshold that accounts for institutional size and funding levels, while still providing broad-based and Title IX aligned athletic opportunities.

2. **The CFP4 Have Revenue Tools the Rest of Us Do Not**

The sixty-eight institutions that make up the four conferences dominating the College Football Playoff (CFP4) have a direct pathway to manage *House* settlement costs: simply expand the playoff to generate hundreds of millions in additional revenue. Such an expansion may also benefit the institutions within the “Group of 6” conferences that also participate in FBS football.

In contrast, over 220 Division I institutions that do not sponsor FBS football have:

- No access to or stake in CFP revenues.
- No ability to monetize increased exposure in the same way.
- Higher dependency on student fees, institutional subsidies, and tuition dollars.

Concern: Without legislative differentiation, the SCORE Act cements a two-tiered system that advantages a handful of institutions and marginalizes the rest.

3. The Degree Completion Program Required by the Act is Overbroad and Ambiguous

Requiring institutions to provide degree-completion financial aid to any student-athlete who received a grant-in-aid but did not graduate from that institution is overbroad. At a minimum, the language should be amended to account for transfers – if a student-athlete initially enrolls at Institution A with a grant-in-aid but then transfers to Institution B, Institution A should not be responsible for the cost of that student's degree completion; Institution B should. Additional consideration should also be given to whether any exceptions to the degree-completion program would be permitted. For instance, if a student enrolls at Institution A and receives athletics aid but later gets expelled for disciplinary/conduct concerns unrelated to athletics, institutional policy may prohibit that student from re-enrolling, thereby making it impossible for the student to complete a degree at that institution.

In its current form, the bill does not specify whether the proposed degree completion program would apply to require institutions to provide a grant-in-aid for a student-athlete to complete a degree at a different institution. Using the example above of a student who gets expelled from Institution A and is prohibited from re-enrolling by institutional policy, the bill does not address whether Institution A would be required to provide financial aid to the expelled student to complete a degree at a different institution.

4. Requiring Written Notice of Transfer Credits Before Transfer Ignores Academic Realities

Language requiring institutions to provide any student-athlete who is considering transferring with a written notice of which previously earned credits the institution will accept prior to completion of the transfer ignores legitimate academic realities that exist wholly unrelated to athletics and is simply not always feasible. Institutions process large numbers of incoming transfer students (not just student-athletes) each year and the work of determining which credits will be accepted and exactly what course they will transfer in as is conducted by academic units outside the athletics department and can legitimately take months.

5. Federal Framework: Guardrails, Not Governance

We support federal preemption of state NIL laws to ensure a level playing field. But we caution against replacing NCAA overreach with federal micromanagement. Throughout my career, there have been significant concerns expressed on government involvement in college athletics, and I remain concerned with ongoing daily government intervention. However, the continued litigation requires government assistance to help us best manage NCAA athletics. The best framework for involvement:

- Ensures transparency (e.g., through a central registry for NIL deals).
- Protects Title IX compliance and Olympic sports.
- Encourages broad participation and representation, not consolidation of power.
- Provides implementation flexibility for non-CFP4 conferences and institutions.

Executive Order Considerations

We recognize the potential merit in President Trump's proposed executive order to establish national NIL standards. That said, we urge the administration to:

- Coordinate with stakeholders to avoid unintended legal and operational conflicts.
- Avoid policies that disproportionately benefit CFP-aligned institutions at the expense of student-athletes at less financially-resourced athletic departments.
- Ensure the order is implementable and enforceable without unfunded mandates.

Congressman, we share your commitment to protecting the heart of college athletics - a true American institution. Institutions within The Big West are proud to offer meaningful educational and competitive experiences to student-athletes. But without financial safeguards, structural flexibility, and inclusive policymaking, reforms like the SCORE Act may unintentionally harm the very programs they seek to protect.

You are absolutely right to question whether current NCAA leadership is meeting the moment — but the solution cannot be replacing one form of overreach with another. The vast majority of us are committed to the mission of college sports — we simply need the flexibility and financial tools to serve our NCAA Division I student-athletes without being forced to operate under rules built for the CFP4.

Congressman, thank you again for your leadership. The recommendations in this memo represent practical paths forward that preserve opportunity, protect competitive access, and reflect the diverse financial realities of today's collegiate landscape. I look forward to partnering with you on a policy path that ensures opportunity, equity, and sustainability for every institution and athletic program — not just the most visible ones. I appreciate the opportunity to share this perspective and look forward to working together on a sustainable solution.

Sincerely,

Daniel R. Butterly
Commissioner

Kristi Giddings
Deputy Commissioner/SWA

Recommended Policy Alternatives to Preserve Opportunity and Competitive Balance

To ensure that reforms protect student-athlete opportunity and do not unintentionally harm non-revenue sports, we respectfully recommend the following legislative adjustments:

1. Advisory Body for Competitive Equity
Create a temporary federal advisory board (with conference and institutional representation) to study the impact of settlement implementation on non-CFP4 institutions and recommend adjustments based on financial data.
2. National NIL Clearinghouse
Establish a centralized federal registry or clearinghouse for NIL deals to ensure transparency, reduce abuse, and minimize administrative burden on institutions.
3. Earmark for Broad-Based Athletic Participation
Require that a portion of any mandated revenue-sharing or NIL resources be directed to support Olympic sports, women's programs, and Title IX compliance.
4. Revenue-Sharing Implementation Guardrails
Include a sustainability clause or phased implementation timeline for institutions outside the CFP4 to prevent disproportionate financial strain.
5. Flexible Sport Sponsorship Thresholds
Replace the 16-sport minimum with a model that allows for institutional discretion based on available resources, enrollment size, and/or proportionality under Title IX.