AFL-CIO
SPORTS
COUNCIL

July 14, 2025

The Honorable Brett Guthrie, Chair
The Honorable Frank Pallone, Ranking Member
Members of the Committee
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairperson Guthrie, Ranking Member Pallone and Members of the Committee:

We are the AFL-CIO Sports Council—eight players associations representing professional athletes across major professional sports in the United States. We write in strong opposition to the Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act of 2025 (H.R. 4312), which is scheduled for subcommittee markup this week. Just as we stand up for our members, protecting them against predatory contracts, we would likewise advise our nation's college athletes to steer clear of the deal that the SCORE Act offers. It is a bad deal for athletes.

Understandably, proponents of the SCORE Act want to emphasize what the bill purports to offer athletes, but a closer look at the bill shows the catch —that is, what it takes away from athletes. We want you to be aware of four significant problems with this bill.

First, the SCORE Act's antitrust exemption gives the NCAA and its members the power to collude against their athletes with no recourse available to those athletes. It is not hard to imagine a situation in which the NCAA and its members work together to restrict athletes' rights, reduce revenue sharing and deny athletes fair compensation because the NCAA and its members would enjoy immunity from legal action. This is exactly what the NCAA and its members have been doing for decades. This provision is a blank check to the NCAA that Congress would be writing—paid for by college athletes.

Second, what the bill gives with one hand, it immediately removes with the other. Under the bill, an institution or conference may not restrict an athlete's ability to enter into a name, image or likeness (NIL) agreement (which college athletes already have the right to do), with several exceptions. One exception is if the athlete's agreement conflicts with an agreement made by the institution or conference. That exception is so wide that it swallows the athlete's rights entirely, putting the institution or conference in total control. An institution or conference could enter into an agreement with a particular sponsor or set of sponsors such that, if its athletes tried to make their own agreements with any other sponsors, they would be prohibited from doing so. And the athletes' own bargaining power with permitted sponsors would be tremendously depleted.

This provision empowers institutions and conferences over athletes when it comes to the athletes' own names, images and likenesses. In those instances when an athlete might still make their own NIL agreement, the SCORE Act fails to protect college athletes from commercial exploitation.

In the college sports landscape, there is an increasing number of bad actors peddling predatory marketing or brand agreements that provide for compensation from the athlete's future on- or off-field earnings. Many young athletes do not fully understand the real financial costs or consequences of these agreements. The bill should protect college athletes in such situations by establishing a term limit on these marketing and brand agreements that is tethered to an athlete's college eligibility. Imposing registration and disclosure requirements upon agents is not enough. The SCORE Act must do more to safeguard college athletes' NIL earnings.

Third, the SCORE Act sets a ceiling on athletes' rights and protections by preempting state law in this area. A federal law would automatically set a floor for everyone, but the concern of the SCORE Act seems to be about making sure athletes can achieve nothing more than what the bill contains. If a state wanted to provide its college athletes with any better rights or protections, the SCORE Act would prohibit such improvements. State law preemption will harm athletes.

Fourth, the SCORE Act contains a broad ban on employee status for college athletes. On its face, this provision disempowers college athletes and prevents them from seeking to join together and bargaining over issues important to them. Once a person is deemed to not be an employee, as the SCORE Act would do, they lose all of the rights that could be associated with employment, including the right to organize a union and collectively bargain. Precisely because the level of exploitation of college athletes has increased in recent decades, courts could no longer ignore the clear economic reality that some institutions have been treating athletes as employees rather than students. In light of this economic reality, athletes have insisted that their rights should be respected. Current law is a simple proposition: If you do not want your athletes deemed employees, do not treat them like employees. In that fashion, labor and employment law has become an important backstop protection for college athletes. But the SCORE Act would remove that backstop. It says that no matter how an institution or conference treats an athlete, the athlete will never be considered an employee. While the bill affords college athletes a few discrete benefits, its ban on employee status opens the door wide to new levels of exploitation that would swamp those benefits. In fact, per the SCORE Act, a college could make something they might call "school service" a condition of participation on a sports team and thereby turn some of its athletes into a pool of free labor, using them to replace all sorts of otherwise paid work—from jobs in dining halls to roles in custodial and groundskeeping services. It should be noted that several important university decision-makers now recognize collective bargaining as an appropriate and necessary fix for the so-called problems now faced by the schools and conferences regarding NIL regulation. [1] [2]

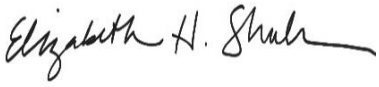
[1] Could collective bargaining be the answer for college sports?

[2] Collective bargaining in college sports: Is it a third rail or an inevitability?

The AFL-CIO and its Sports Council affiliates unanimously oppose the SCORE Act. College athletes expend immense effort, endure rigorous schedules and risk bodily injury daily for their schools. These efforts generate both monetary and nonmonetary benefits, often substantial, for the athletes' institutions. After decades of seeing the NCAA monopolize these benefits and provide little in return to the athletes, the courts have affirmed the freedom of athletes to exercise the same rights that other Americans enjoy, including the right to monetize the use of their images. The SCORE Act is a brazen attempt to take away that freedom. The NCAA does not deserve an antitrust exemption. Colleges and universities should not be allowed to block athletes from monetizing their image rights. States should not be prevented from protecting their student athletes. And college athletes should not be denied the rights enjoyed by other workers, including their fellow students.

We urge you to read this bill in totality for what is purposely included and what is purposefully left out. This is not a deal any college athlete should sign. We urge you to reject the SCORE Act.

Sincerely,



Elizabeth H. Shuler
President

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The AFL-CIO Sports Council includes:

Major League Baseball Players Association (MLBPA)
Major League Soccer Players Association (MLSPA)
NFL Players Association (NFLPA)
NWSL Players Association (NWSLPA)
United Soccer League Players Association (USLPA-CWA)
Women's National Basketball Players Association (WNBPA)
National Hockey League Players' Association (NHLPA)
Professional Hockey Players' Association (PHPA)