Documents for the Record

Subcommittee on Commerce, Manufacturing, and Trade Markup of One Bill

July 15, 2025

1. Joint Statement of Support from the NCAA Division I, II, and III Student-Athlete Advisory Committees, submitted by the Majority.
2. Letter of support from the American Football Coaches Association to Chairman Bilirakis and Ranking Member Schakowsky, submitted by the Majority and the Minority.
3. Statement from the listed American/College/National/U.S. Coaches Associations, submitted by the Majority.
4. Article from the Athletic titled "Congress to propose NIL guidelines in new college sports compensation bill," submitted by the Majority.
5. Article from Fox News titled "Sweeping bipartisan bill would nationalize standards for student athlete pay," submitted by the Majority.
6. Letter from Rep. Baumgartner and Sen. Cantwell to Chairman Bilirakis and Ranking Member Schakowsky, submitted by the Minority.
7. Statement on the SCORE Act, submitted by the Minority.
8. Memorandum from American Economic Liberties Project, submitted by the Minority.
9. Document entitled "A Comprehensive Analysis of Federal College Sports Legislation, the SCORE Act, Common Myths, the Future of Athletes' Rights, and Policy Recommendations," submitted by the Minority.
10. A letter from AFL-CIO Sports Council to Chairman Guthrie and Ranking Member Pallone, submitted by the Minority.
11. Letter from the National College Players Association to Chairmen Guthrie and Bilirakis and Ranking Members Pallone and Schakowsky, submitted by the Minority.
12. Statement from listed Professional/Major League Players Associations, submitted by the Minority.
13. Letter from Team USA Athletes' Commission to Chairman Jordan and Ranking Member Raskin, submitted by the Minority.
14. Letter from Rep. Trahan and undersigned Members of Congress to Chairman Bilirakis, submitted by the Minority.

Joint Statement of Support from the
NCAA Division I, II, and III Student-Athlete Advisory Committees

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Dear Members of Congress,

The NCAA Division I, II, and III SAACs strongly support the Student Compensation and Opportunity through Rights and Endorsements Act (SCORE Act) as a critical step in protecting student-athletes' rights, opportunities, and well-being.

This bill affirms what we know to be true regardless of division: **student-athletes are students first…not employees.** We fully support the provision that preserves our non-employment status while still expanding access to NIL opportunities, agent representation, privacy protections, financial transparency, medical care, degree completion, and vital health, safety, and educational resources. By promoting fairness, ensuring consistent national standards, and prioritizing the holistic development of student-athletes, the SCORE Act reflects a modern, student-centered approach to college athletics.

We are proud to endorse this legislation on behalf of the hundreds of thousands of student-athletes we represent. Student-athletes have been waiting, now is your chance to stand with us and move this forward.

"Division I student-athletes *need* this legislation. The SCORE Act brings college athletics into the modern era while preserving its foundation—student-athletes. It recognizes the fast-changing realities we face and responds with protections that are long overdue. We are not employees; we are students first, and this bill reinforces that truth while giving us the tools to succeed in a complex new landscape. To compete, grow, and lead in today's environment, we need clarity, consistency, and real support. The SCORE Act doesn't just acknowledge that…it delivers. This isn't just timely…it's essential."

- Meredith Page, DI SAAC Chair

"Division II student-athletes support the SCORE Act because it creates a clear, nationwide NIL standard that replaces the confusing patchwork of state laws. We strongly agree with its protection of our status as students, not employees, and we believe it preserves the integrity of college athletics by enabling the NCAA to uphold fair rules with appropriate antitrust protections. This bill reflects what we've consistently advocated for: clarity, consistency, and the ability to pursue academics and athletics at the highest level."

- Avery Hellmuth, DII SAAC Chair

"In Division III, where athletic scholarships aren't offered, student-athletes prioritize being fully involved students rather than being viewed as employees. We support the SCORE Act as it focuses on addressing the challenging NIL landscape, allows intercollegiate athletic associations to better monitor NIL deals, promotes health and safety for student-athletes, and, most importantly for Division III, it protects our amateur status. Division III institutions cannot afford to have student-athletes as employees, nor do we view ourselves as such. This bill allows us to continue to be students first with a more stable NIL environment."

- Lillian Case, DIII SAAC Chair

Sincerely,
Meredith Page, *DI SAAC Chair*
Avery Hellmuth, *DII SAAC Chair*
Lillian Case, *DIII SAAC Chair*

M

July 14, 2025

The Honorable Gus Bilirakis
Chairman
Subcommittee on Commerce,
Manufacturing, and Trade
House Committee on Energy & Commerce
Washington, D.C. 20515

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Commerce,
Manufacturing, and Trade
House Committee on Energy & Commerce
Washington, D.C. 20515

Dear Chairman Bilirakis and Ranking Member Schakowsky:

The American Football Coaches Association, an association of 11,000 college and high school coaches, would like to thank you both and the Members of the Subcommittee for working to address issues related to the regulation of agents in college sports. As student athletes are rightfully compensated for their name, image, and likeness (NIL), we have seen an increase in unscrupulous and unregulated agents looking to cash in on NIL royalties with no regard for the student athletes' well-being. Without strong regulation around agents, including a set of standards for agents to abide by and a standard clearinghouse, these abuses will only continue to grow. Student-athletes and their coaches must be able to ascertain that these agents are acting in the best interest of the student-athletes.

We support the work of the Subcommittee related to college sports agents included in the SCORE Act. Establishing clear agent standards and stronger protections for student-athletes navigating this evolving NIL landscape is critically important.

The AFCA shares your commitment to safeguarding student-athletes and ensuring the integrity of college sports. We look forward to continuing to work with the Committee to advance meaningful solutions and represent the concerns of coaches and athletes alike.

Sincerely,

Coach Craig Bohl
Executive Director
American Football Coaches Association

The American Football Coaches Association
• 100 Legends Lane • Waco, Texas 76706 •
• (254) 754-9900 • FAX: (254) 754-7373 • www.afca.com • info@afca.com •
• Facebook – We Are AFCA • Twitter – @WeAreAFCA • Instagram – @WeAreAFCA •

“We applaud the leadership of Chairmen Guthrie and Bilirakis to bring much needed stability and clarity to the evolving college sports landscape. The SCORE Act addresses critical gaps in the current system by protecting NIL opportunities, providing medical and health coverage, establishing federal preemption of state law, and clarifying employee status. Most importantly, the bill codifies existing NCAA sports sponsorship requirements of Division 1 institutions to establish and maintain, as of July 1, 2027, at least 16 varsity sports teams. While broad-based sports programs continue to face unprecedented challenges, the SCORE Act represents an important step in ensuring a balanced and equitable path forward for all student-athletes.”

- **American Volleyball Coaches Association, College Swimming and Diving Coaches Association, National Wrestling Coaches Association, and U.S. Track & Field and Cross-Country Coaches Association.**

Congress to propose NIL guidelines in new college sports compensation bill

Scott Dochterman

33

July 10, 2025 | Updated July 11, 2025 8:35 am MDT

A bill designed to end ambiguity surrounding name, image and likeness (NIL), establish professional guidelines for agents and protect collegiate leagues from antitrust lawsuits received a strong endorsement from a bipartisan group of nine congressional representatives Thursday.

The Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act, which was introduced in the Energy and Commerce subcommittee, prevents athletes from obtaining employee status. But in many ways, the act is the first step in establishing a bill of rights for athletes.

It officially ends any administrative restrictions to athletes' NIL compensation within limits, but it allows schools and conferences to establish what is — and isn't — permissible. Should the federal legislation pass, it would override current state NIL laws, which vary from border to border.

"College athletics are a vital part of American culture, and it's clear — from both student-athletes and universities — that a national framework is long overdue," Florida Republican Gus Bilirakis, the bill's primary sponsor and a member of the House Committee on Energy and Commerce, said in a statement. "(The SCORE Act) delivers the stability, clarity and transparency that stakeholders have been calling for."

The bill guarantees each school can share up to 22 percent of the average annual college sports revenue from the 70 highest-earning institutions with athletes, which was established last month in the House settlement. For athletes, schools are required to provide legal advice pertaining to NIL plus support for financial literacy, taxes, academics, substance abuse and sexual violence prevention.

In addition, the bill requires schools to furnish medical care, including all out-of-pocket expenses for injuries incurred for at least three years following graduation or program separation. Schools are also required to guarantee financial aid to athletes wishing to return to school to obtain a degree after leaving the institution before graduation.

“Student-athletes have consistently asked for meaningful reform — and this legislation is a step toward delivering on that request,” NCAA senior vice president of external affairs Tim Buckley said in a statement. “The NCAA has made long-overdue changes, mandating health and wellness benefits and ushering in a new system for Division I programs to provide up to 50 percent of athletic department revenue to student-athletes, but some of the most important changes can only come from Congress.

“This bill reflects many student-athletes’ priorities, and the NCAA is committed to working with Congress to build a bipartisan path forward that ensures the long-term success of college sports and the ongoing opportunities they provide to young people.”

The multilayered, 30-page bill defines an agent “as a non-family member who represents athletics for NIL or other financial agreements.” Any agent not registered “may only assist” athletes with endorsements and must receive written consent for such assistance. The bill calls for a five percent cap on agent compensation.

With compliance, conferences are exempt from antitrust lawsuits. The bill allows for the conferences to establish and enforce rules that require athletes to disclose NIL contracts. In turn, it empowers conferences through the College Sports Commission to require athletes to disclose third-party NIL deals worth more than $600. The CSC, which is known as NIL Go, could also reject those deals.

“As the mom of a DI athlete, I’ve seen firsthand how important — and how long overdue — it was to allow our student-athletes to earn their fair share,” Congresswoman Janelle Bynum (D-OR) said in a statement. “The NIL marketplace in college sports is currently operating like the Wild Wild West. This legislation takes important steps towards adding guardrails that guarantee that all student-athletes can earn fair compensation, access a complete and quality education, and develop the skills they need to succeed in life after sports.

If ratified and signed, the bill would go into effect on July 1, 2026.

(Photo of the U.S. Capitol: Drew Angerer/ Getty Images)

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JUL 11, 2025

Connections: Sports Edition

Spot the pattern. Connect the terms

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Scott Dochterman is a staff writer for The Athletic covering national college football and the Big Ten. He previously covered Iowa athletics for the Cedar Rapids Gazette and Land of 10.

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Fantasy Football
Fantasy Hockey
Fantasy Premier League
FIFA Club World Cup
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Gaming
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Golf
International Football
La Liga
League Cup
League One
League Two
Memorabilia & Collectibles
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MLS
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Sweeping bipartisan bill would nationalize standards for student athlete pay

By Elizabeth Elkind

Published July 10, 2025

Fox News

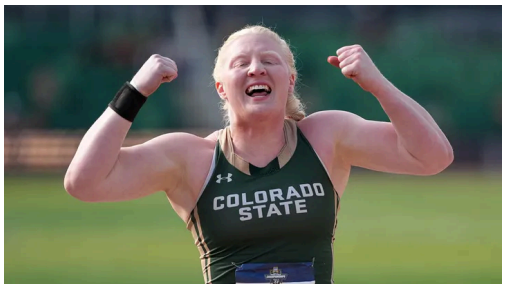
FIRST ON FOX: The House of Representatives is rolling out bipartisan legislation later on Thursday that will mark a major shift in the world of college sports, particularly the compensation of student athletes, Fox News Digital has learned.

The bill would codify the right for student athletes to get paid for the use of their name, image and likeness (NIL), while mandating that colleges and universities also provide them with "comprehensive" academic, career counseling, and medical support, according to text obtained by Fox News Digital.

NIL regulations would be standardized across the country, overriding the current patchwork of state laws. More than 30 states allow colleges to pay student athletes for NIL, while no such regulations exist in others.

Student athletes would be able to hire agents and would have to disclose their NIL deals to their schools and to nonprofit Interstate Intercollegiate Athletic Associations (IIAA), like the National Collegiate Athletic Association (NCAA) and similar groups.

TAX CUTS, WORK REQUIREMENTS AND ASYLUM FEES: HERE'S WHAT'S INSIDE TRUMP'S BIG, BEAUTIFUL BILL



Mya Lesnar of Colorado State celebrates after winning the women's shot put at 62-4 1/2 (19.01m) during the NCAA Track and Field Championships at Hayward Field. (Kirby Lee-Imagn Images)

For non-athlete students at colleges and universities that bring in high revenue from sports media, it would shield them from footing the bill for their college's athletics programs by proh biting student fees at those schools from being used for them.

The bill also expressly proh bits student athletes from being considered employees of a college over their sporting participation.

It's a bipartisan bill that's the product of the House Energy & Commerce Committee, House Education & Workforce Committee, and the House Judiciary Committee.

Its lead co-sponsors are Reps. Janelle Bynum, D-Ore., and Gus Bilirakis, R-Fla. Rep. Shomari Figures, D-Ala., is also a co-sponsor.

Committee Chairmen Brett Guthrie, R-Ky., Tim Walberg, R-Mich., and Jim Jordan, R-Ohio, told Fox News Digital in a joint statement, "NIL offers an endless array of opportunities for student-athletes to make the most of their college experience, but the lack of clear guardrails has left athletes and universities on unstable ground."

"The SCORE Act creates a national framework that supports student-athletes and recenters the educational mission of college athletics," they said.

Jordan, notably, was a two-time NCAA Division I college wrestling champion. He later became a coach with Ohio State University's wrestling program before being elected to Congress.

SIMONE BILES SPARS WITH RILEY GAINES OVER TRANS ATHLETE DEBATE, LAUNCHES PERSONAL ATTACK: 'TRULY

SICK'

The bill was a product of the panels led by House Energy and Commerce Committee Chairman Brett Guthrie, left, House Judiciary Committee Chairman Jim Jordan, center, and House Education and Workforce Committee Chairman Tim Walberg, right. (Getty Images)

Whether student athletes should receive a portion of their school's sports media revenue and how much has been a years-long debate.

There have been several attempts in Congress to push for legislation giving student athletes the ability to profit off of their college sporting careers.

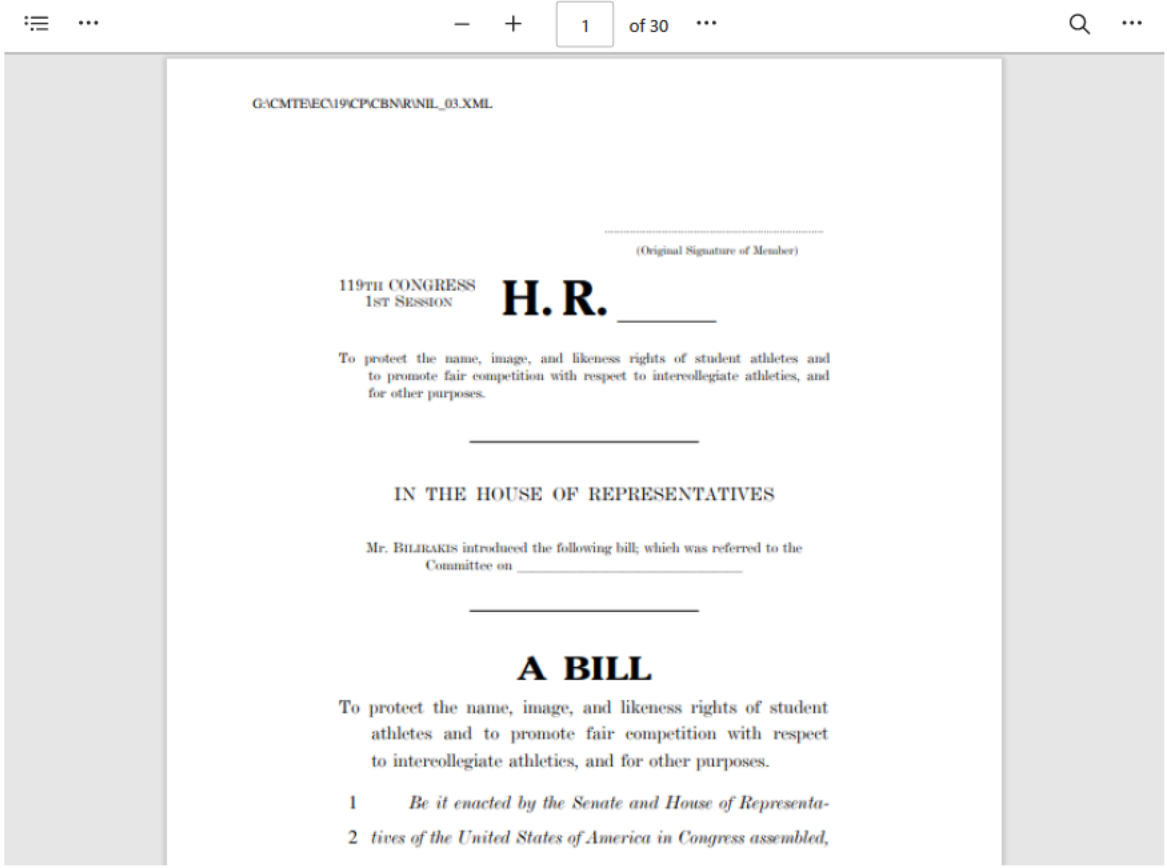
The NCAA, college sports' main governing body, changed its rules in 2021 to allow student athletes to profit from NIL.

It comes after reports that such legislation could be introduced this week after a June antitrust settlement in House v. NCAA between the NCAA and lawyers for Division I college athletes. A judge approved over $2.7 billion in back pay for college athletes shut out of NIL deals between 2016 and 2024, paving the way for colleges to pay players directly.

Under the bill's parameters, IIAAs would ensure NIL deals aligned with fair market value, while being able to limit student athletes' eligibility based on the length of their college sports career and create new requirements for agents not registered with the IIAA.

The text also includes a liability shield for universities and IIAA that "the adoption of, agreement to, compliance with, or enforcement of any rule, regulation, requirement, standard, or other provision established pursuant to, or in compliance with, this Act shall be treated as lawful under the antitrust laws" and any state or local laws.

148 DEMOCRATS BACK NONCITIZEN VOTING IN DC AS GOP RAISES ALARM ABOUT FOREIGN AGENTS



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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To protect the name, image, and likeness rights of student athletes and to promote fair competition with respect to intercollegiate athletics, and for other purposes.

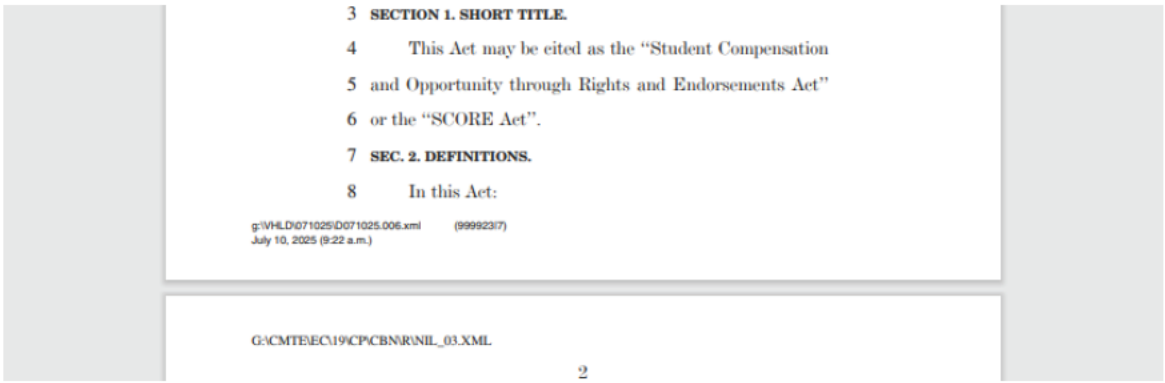
IN THE HOUSE OF REPRESENTATIVES

Mr. BILIRAKIS introduced the following bill; which was referred to the Committee on _____

A BILL

To protect the name, image, and likeness rights of student athletes and to promote fair competition with respect to intercollegiate athletics, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,



SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Compensation and Opportunity through Rights and Endorsements Act" or the "SCORE Act".

SEC. 2. DEFINITIONS.

In this Act:

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July 10, 2025 (9:22 a.m.)

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The bill was lauded by Reps. Gus Bilirakis, R-Fla., Scott Fitzgerald, R-Wis., and House GOP Conference Chairwoman Lisa McClain, R-Mich., all who played key roles in putting the legislation together.

It was also praised by the NCAA's Autonomy Conferences – the ACC, Big Ten, Big 12, Pac-12, and SEC.

"This legislation comes at a time of historic transition for college athletics. In the absence of federal standards, student-athletes and schools have been forced to navigate a fractured regulatory framework for too long," a statement to Fox News Digital said.

"Following the historic House settlement, this bill represents a very encouraging step toward delivering the national clarity and accountability that college athletics desperately needs. We urge lawmakers to build on this momentum and deliver the national solution that athletes, coaches, and schools deserve."

Elizabeth Elkind is a politics reporter for Fox News Digital leading coverage of the House of Representatives. Previous digital bylines seen at Daily Mail and CBS News.

Follow on Twitter at @liz_elkind and send tips to elizabeth.e kind@fox.com

Congress of the United States

Washington, DC 20515

July 14, 2025

The Honorable Gus Bilirakis
Chairman
Subcommittee on Commerce, Manufacturing, and Trade
Washington, D.C. 20515

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Commerce, Manufacturing, and Trade
Washington, D.C. 20515

Dear Chairman Bilirakis and Ranking Member Schakowsky,

We have significant concerns about H.R. 4312, the "Student Compensation and Opportunity through Rights and Endorsements" (SCORE) Act, slated to be marked up by the Subcommittee on Commerce, Manufacturing, and Trade. The bill appears to be a product of the richest conferences to cement into place the current power structure in college athletics that would leave only the wealthiest schools able to compete at the highest levels of college athletics. The SCORE Act will only cause more chaos and damage to the college athletics system. We urge you to pull this flawed bill from the mark up until the defects are fixed.

First, the bill entrenches the NCAA's authority at a time when the NCAA's governance structure is becoming increasingly dominated by wealthier conferences. The SCORE Act hands the NCAA unfettered ability to set rules that would make the rich schools richer, like representation on NCAA championship selection committees—and the tournament revenue that comes with it.

Second, while we are pleased that college athletes can earn a share of the revenue they generate for their schools, the SCORE Act's formula for determining the size of revenue shared with players will make it difficult for small and mid-sized schools to compete with wealthy schools. The non-policy-based formula in the bill is at least 22 percent of the average sports revenue of the 70 highest-revenue schools—an amount currently estimated to be $20.5 million. Very few schools will be able to pay out this full amount and the situation will be exacerbated over time as the limits increase each year as average revenue increases. These schools will not be able to keep up with wealthy schools who plan to pay their athletes the full $20.5 million each year or more. This will accelerate the loss of talent from these smaller schools, turning them into mere "feeder" schools for the largest programs.

Third, the SCORE Act ignores important national policies regarding college sports. It ignores the explosive growth of women's sports and how revenue sharing under the House v. NCAA settlement may jeopardize these gains and lead to far less money flowing to women's sports. It ignores the importance of college athletics to the Olympic pipeline. The SCORE Act will inevitably lead to the loss of men's and women's Olympic sports as schools are implicitly forced to devote ever more resources to the college football arms race. The SCORE Act also fails to address how conference realignment has changed the map of college sports and the absurdity of sending college athletes coast-to-coast on a weekly basis while foreclosing any opportunity for

athletes to have a voice at the table to advocate for themselves as these changes continue to play out.

The SCORE Act is a missed opportunity to deliver creative solutions that will ensure a sustainable future for college athletics beyond the wealthiest programs. Rather than rush the SCORE Act through as is, we should press pause to fix the issues facing schools of all sizes and opportunity for all athletes. The Act should: (1) consider policies to increase revenue for small and mid-sized schools and for women's and Olympic sports; (2) give college athletes a voice in how policies are made and implemented, including those related to conference realignment; (3) address the inequities and limitations of the House v. NCAA settlement regarding women's athletics; (4) address the budgetary concerns of small and mid-sized schools; (5) ensure health and safety protections; and (6) establish a commission on the future of college athletics.

College sports are important to student athletes, schools, alumni, fans, and communities across the United States. Congress needs to get this right and not miss an opportunity to fix the college sports landscape for generations to come. We urge everyone to think long-term and big picture about the future of college athletics that we want to achieve.

We look forward to working with you on these important issues.

Sincerely,

Michael Baumgartner
Member of Congress

Maria Cantwell
Ranking Member, Senate Commerce Committee

cc.

Speaker of the House Mike Johnson
Majority Leader Steve Scalise
Minority Leader Hakeem Jeffries
Majority Leader Senator John Thune

Minority Leader Senator Charles Schumer
House Energy and Commerce Committee Chairman Brett Guthrie and Ranking Member Frank Pallone
House Education and Workforce Committee Chairman Tim Walberg and Ranking Member Robert C. Scott

OPPOSE the SCORE Act

The so-called "Student Compensation and Opportunity through Rights and Endorsements Act," is a cynically named power grab by the NCAA that would reinstate the exploitation of college athletes by wiping out their rights under existing laws. The rights of college athletes matter, and they deserve the same legal protections and economic freedom as every other American.

The SCORE Act, as drafted, is unenforceable by the very athletes it purports to protect. It wipes out students' rights under state laws for issues far beyond NIL; when coupled with the anti-trust exemption, student athletes will never be able to enforce their "rights" in this bill or beyond. A right that is legally unenforceable is totally meaningless to those it is meant to empower.

The NCAA has a long history of abusing its power to suppress student athlete compensation and deny student benefits. In 2021, the Supreme Court finally addressed this issue in *NCAA v. Alston,* unanimously holding that it is illegal to limit education-related benefits of student athletes.

- Justice Kavanaugh called out the NCAA's anticompetitive practices, writing that the "NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America."
- Prior to the decision, the NCAA restricted education-related benefits, like laptops, student aid, and internships, and engaged in wage fixing. Schools and conferences illegally colluded to not compensate athletes. All the while, the NCAA and schools exploited the likeness of college athletes for massive profits without paying them.
- The only reason the NCAA made any changes to the rules surrounding student athlete NIL rights is because of lawsuits brought by students claiming the NCAA was violating the antitrust laws by limiting student athletes' rights to fair compensation.
- This bill would not only override that precedent, it would forever deny students the ability to legally enforce not just their NIL rights, but it would also eliminate students' rights under state law for a set of issues far beyond their NIL.

The bill would give the NCAA what it has been seeking for decades—immunity from the very laws that held them accountable for their abusive behavior.

- The SCORE Act's antitrust exemption—something conservatives have called the "supreme evil" of antitrust for decades—would immunize NCAA member schools from legal accountability at the state and federal level when it uses its power to cap athlete earnings, block transfers, or impose other anticompetitive restrictions.
- In doing so, the bill creates the conditions for the monopolized power brokers of college athletics to reassert dominance at the expense of athletes. And it robs college athletes of the ability to protect their rights.

The SCORE Act would provide sweeping preemption of state law for things far beyond NIL.

- The SCORE Act eliminates student athletes' rights to challenge a school or association's actions for non-compliance with the SCORE Act itself. There is no provision for student enforcement in the act, and the broad preemption of any state law "otherwise related to this Act" would eliminate the only source of a remedy for wronged student athletes.
- The bill goes far beyond non-enforcement of the Act itself. The preemption clause in the current draft of the SCORE Act not only stops states from enacting or enforcing "laws, rules, regulations, requirements or standards," but it also allows any defendant to get lawsuits dismissed by asserting preemption. Traditional fraud, breach of contract, sexual harassment, civil assault and battery, negligent hiring and supervision (of coaches, trainers, etc.), and other claims brought by student athletes would be blocked.
- The bill preempts states from enforcing *any* law, rule, regulation, requirement, standard, or other provision "otherwise related to this Act"— effectively eliminating student athletes contract and property rights, *and* their ability to protect their legal rights related to a wide swath of issues addressed by the bill, including medical care for on the field injuries, school nutrition and conditioning programs, sexual violence prevention, and mental health support, among other requirements the bill places on institutions.
- This sweepingly broad preemption could even block future lawsuits to protect student athletes who are survivors of sexual violence. The bill requires institutions to provide comprehensive support and counseling related to sexual violence prevention, for which the NCAA has been sued multiple times.

The SCORE Act gives broad power to the NCAA, universities, and intercollegiate conferences to limit the ability of student athletes to enter NIL agreements

- Even if the NCAA, schools, and conferences comply with the SCORE Act, the law will allow the NCAA to restrict the rights of student athletes in ways that would be flatly illegal in almost any other industry in America.
- While purporting to grant students NIL rights, the SCORE Act's exceptions swallow the rule because, according to the bill's exceptions, institutions may limit student athletes from entering NILs if they violate the institution's code of conduct, which institutions can unilaterally modify at their discretion. For example, institutions could use the code of conduct to limit the use of school apparel in student NIL agreements.
- Additionally, according to the exceptions in the bill, institutions can limit NIL agreements if they conflict with one of the institution's contracts or agreements. This could include institutions structuring contracts with athletic apparel companies like Nike or Under Armour to limit the use of branded athletic uniforms or school apparel by student athletes for competing brands with which they may have an NIL agreement. This could also include sponsorship deals wherein a school becomes the official grocery store/car dealership/hotel chain/restaurant chain of the team.

The SCORE Act creates a false choice between collusion and chaos.

- Congress should pass legislation that respects the dignity of athletes without eviscerating their rights or giving a blank check to the NCAA power brokers. Instead of giving a "get out of jail free card" to the NCAA power brokers through this bill, Congress should pass legislation to ensure that student athletes can enforce their rights when they are abused, exploited, or treated unfairly.

AMERICAN ECONOMIC LIBERTIES PROJECT

MEMORANDUM

TO: Interested Parties
FROM: American Economic Liberties Project
DATE: July 11, 2025
RE: The Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act

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On Thursday, July 10th, a group of Republicans, including House Judiciary Chairman Jim Jordan and two Democrats, introduced the Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act, a bill ostensibly drafted "[t]o protect the name, image, and likeness [NIL] rights of student athletes and to promote fair competition with respect to intercollegiate athletics…."[1] While four lines in Section 3 of the SCORE Act prohibit universities, their conferences, and the NCAA from "restrict[ing] the ability of a student athlete to enter into a [NIL] agreement," protections for college athletes economic and intellectual property rights effectively stop there.

The SCORE Act presents significant antitrust and labor concerns that fall directly within the jurisdiction of the House Judiciary, Energy & Commerce, and Education & Workforce Committees. Despite its stated goals of protecting college athletes, the bill would grant the NCAA unprecedented antitrust immunity while undermining recent legal victories for college athletes and creating unworkable regulatory frameworks that could harm college athletes, the student population writ large, and smaller universities already struggling to compete in the landscape of modern college athletics.

I. BACKGROUND

Compensation for college athletes has always been tightly controlled by the NCAA. There have been strict limits on athletic scholarships, grants in aid, and other education-related benefits. Until recently, schools were barred from sharing any revenue with their athletes, and athletes were barred from receiving any compensation for their NIL.

All of that changed with the Supreme Court's 2021 decision in *NCAA v. Alston*. In a unanimous decision, the Court described the lawsuit as one "involv[ing] admitted horizontal price fixing in a market where the defendants exercise monopoly control" where the NCAA was asking for "immunity from the normal operation of the antitrust laws." It rejected the NCAA's arguments and upheld the lower court ruling, finding NCAA limits on certain types of compensation to be a violation of the Sherman Act. The Court agreed that (1) amateurism was a vague concept that did

[1] NIL rights refer to a person's legal right to control and profit from the commercial use of their name, physical appearance, and personal brand. NIL agreements are typically endorsement contracts, such as when an athlete appears on a Wheaties box or in a Gatorade commercial. Agreements can include paid personal appearances, social media sponsorships, autograph signings, television contracts, merchandising.

not generate any pro-competitive benefits for consumers that might justify the NCAA's artificial restraints on athlete earnings, and (2) the NCAA was indeed violating our antitrust laws. Justice Kavanaugh joined the opinion but authored his own "to underscore that the NCAA's remaining compensation rules also raise serious questions under the antitrust laws."

The NCAA responded by suspending its rules prohibiting NIL deals, and a door of opportunity for college athletes to realize their full earning potential was opened. It also faced a raft of lawsuits challenging the many rules and policies that it has used to suppress college athletes' earnings since 1953. Then last month, a district court approved the settlement of one of those lawsuits, *House v. NCAA*, that completely restructures how athletes are compensated.

The settlement has been highly controversial and drew objections from a wide range of class members affected by it. Among other things, it allows colleges to share revenue with their athletes, but it places artificial restrictions on that compensation and on third-party NIL deals. They are likely illegal and can't be implemented unless Congress gives them something extraordinary and rare—an exemption from United States antitrust laws that would nullify the Supreme Court's ruling in *Alston*.

The NCAA has been engaged in an expensive lobbying effort on Capitol Hill over the last four years to secure that relief. The SCORE Act is the culmination of that effort, but it is wholly inadequate and counterproductive. The bill would reverse the enormous progress college athletes have made over the last four years to overcome decades of exploitation. It would also entrench the biggest athletic programs' economic power at the expense of smaller schools and create a host of regulatory and administrative problems.

The NCAA, which has proven time and again that it cannot be trusted with unchecked monopoly power, is not deserving of immunity that almost no other industry in the United States enjoys. College athletes, on the other hand, deserve to be fairly compensated for their work and share in the profits that have until now gone only to the bloated salaries of the coaches and administrators that the NCAA caters to.

II. KEY POLICY CONCERNS

A. Antitrust Exemption Creates Problematic Precedent

The SCORE Act would grant the NCAA an exemption from antitrust laws that the Supreme Court unanimously denied in *NCAA v. Alston*. This represents a significant departure from established antitrust principles and could set a concerning precedent for other industries seeking similar exemptions. The legislation essentially permits what Justice Kavanaugh described as wage fixing that would be "illegal in any other industry."

Only one other sports league enjoys immunity from our antitrust laws, Major League Baseball. That exemption is not the result of a Congressional act, but a 1922 Supreme Court decision that is widely reviled. And the MLB has used it to engage in a panoply of anti-competitive behavior, including capping minor league player salaries at $15,000 a year and forcing them to attend spring training without pay.

Section 7 of the SCORE Act limits the NCAA's exemption to "[c]ompliance with the Act" and promulgation of rules, regulations, and standards to comply with the Act. But conduct that might be covered by the Act could include additional limits on revenue sharing and NIL deals, restrictions on college athletes' ability to transfer between schools, overly restrictive roster limits, and the use of algorithms designed to further suppress athlete earnings. Even more troubling is the absence of language limiting the exemption to the NCAA and its members. Third parties could agree to fix rates for NIL deals and claim that they are merely complying with the Act's restrictions on those agreements.

B. Unworkable NIL Compensation Standards

The Act's definition of "prohibited compensation" limits college athletes' earnings from third-party NIL deals to rates "commensurate with compensation paid to individuals with name, image, and likeness rights of comparable value who are not student athletes." This definition creates a confusing and unworkable regulatory standard. The legislation provides no methodology for determining comparable value or identifying appropriate comparison groups. It could be used to limit rates to those an ordinary college student could demand, which ignores that college athletes' status *as athletes* is what drives the value of their NIL rights.

C. Flawed "Pool Limit" System Advantages Wealthy Programs

Unlike salary caps in leagues like the NFL that look at the average revenue of all teams, the SCORE Act's pool limit, a restriction on revenue sharing, would be calculated using only the 70 highest-earning schools' revenue. Wealthy schools in the College Football Playoff system that can meet that limit would gain a significant recruiting advantage over smaller schools, creating a fly wheel where the biggest programs keep winning games and bowl game prize money, and the smaller programs become less and less relevant. Those schools' future television contracts, sponsorships, and other revenue are enormous.

D. Unfunded Mandate on Universities

The Act requires universities to field at least 16 athletic programs without ensuring adequate funding mechanisms. This could force institutions to increase student tuition and fees to cover budget shortfalls or eliminate athletic programs altogether. Though this requirement, and the other mandates of Section 5,[2] appear to be targeted only at Division I schools, the $250,000 coach's salary that serves as the threshold can easily be avoided by setting salaries just below that number. The bill also does not address how this mandate operates with respect to Title IX requirements.

[2] Section 5's other mandates, which attempt to provide athletes with better healthcare, and academic and financial support, are so vague that they could be satisfied with meager efforts by the schools.

E. Data Collection Provisions Enable Wage Suppression

The bill explicitly permits schools to collect and share "aggregated and anonymized data related to name, image, and likeness agreements," creating a breeding ground for algorithms that NIL collectives and advertisers could use to suppress athlete earnings. The NCAA's newly created College Sports Commission is already doing this with its "NIL Go" clearinghouse. It's an algorithm created by Deloitte that's designed to evaluate every NIL deal in college athletics for "fair market value." The algorithm has already rejected 70% of existing booster deals.

F. Overrides Recent Legal Victories

The bill specifically prohibits universities from treating college athletes as employees, ensuring they would never receive the benefits and protections of the Fair Labor Standards Act. This would undo last year's decision from the 3rd Circuit Court of Appeals, which said the NCAA cannot use "amateurism" as an excuse for denying athletes employment status.

G. Preemption

The bill preempts all state laws governing "the compensation, payment, benefits, employment status, or eligibility of a student athlete." This deprives states of the ability to govern state run educational institutions funded by taxpayer dollars and deprives college athletes of protections identified by their state legislators.

H. Limited Stakeholder Input

The legislation is being developed without meaningful input from athlete representatives, despite affecting their fundamental rights and compensation. This contrasts sharply with professional sports, where athletes participate in collective bargaining processes that produce comprehensive agreements addressing wages, safety, healthcare, and working conditions.

The 30-page bill attempts to restructure a workforce of over 500,000 student athletes while ignoring issues athletes have raised for years regarding safety standards, exhausting travel schedules created by geographically dispersed conferences, and international students' ineligibility for NIL deals.

III. RECOMMENDATION

The SCORE Act's fundamental flaws—including federalization of salary caps, unworkable NIL standards, intrusion on state rights, and systems that advantage wealthy programs—demand significant revision or alternative approaches. Its sponsors use of NCAA's favorite references: "guardrails"; "stability, clarity, and transparency"; and the "Wild Wild West". In truth, college athletes are facing a calcified organization that cannot adapt to progress. Any uncertainty that exists is the NCAA's own making.

The bill's sponsors also talk about the importance of preserving schools' "educational mission" in helping athletes earn a "quality education." But college athletic programs are not educational programs. They are commercial enterprises that prioritize profits over learning. The latest

mergers that have created mega-conferences prove this. The new Big 10 television contract is worth $7 billion, and athletes have to criss-cross the country and miss classes to play in those televised games.

Members and their staff should consider whether the stated goals of athlete protection and competitive balance can be achieved through less problematic means—ones that don't require unprecedented antitrust exemptions, the legislation of salary caps, or entrenching the most powerful athletic programs to the detriment of smaller ones. Alternative approaches that would more effectively preserve athletes' economic rights and welfare and create a more "stable" recruiting environment include:

- **Collective Bargaining:** Allow athletes to unionize and negotiate comprehensive agreements covering compensation, safety, and working conditions. Any agreement that resulted would fall under the already existing non-statutory labor exemption to antitrust laws and resolve most of the antitrust issues the NCAA is dealing with. It would also help level the playing field between our youngest athletes and the schools that currently hold all the power.
- **Employment Status:** Make clear that college athletes, who perform significant work for the economic benefit of their schools, are employees within the meaning of the FLSA and must be compensated accordingly.
- **Targeted Reforms:** Address specific issues like safety standards, healthcare, and transfer rules without broad antitrust exemptions. Hearings should focus on the hours athletes devote to their sport, the travel demands that conference mergers are creating, the academic roadblocks that make it difficult for athletes to transfer like their peers if they're unhappy, and whether schools are truly educating athletes playing at the highest levels of college sports.

The NCAA has exploited its athletes for decades, prioritizing institutional profits and bloated administrator and coaching salaries over athletes' welfare. This bill would cement the NCAA's monopoly power and give it unchecked power to unilaterally set standards governing athletes' earnings and working conditions, without input from those athletes *or* the universities it governs. A unanimous Supreme Court correctly found that power is unlawful under the Sherman Act and that the NCAA does not have, need, or deserve antitrust immunity. Congress should not override that decision.

This memo is intended to highlight key antitrust and labor concerns raised by the Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act. Additional analysis of specific provisions and potential amendments is available upon request.

A Comprehensive Analysis of Federal College Sports Legislation, the SCORE Act, Common Myths, the Future of Athletes' Rights, and Policy Recommendations

TO: House Committee on Energy and Commerce, Democrat Staff

FROM: Richard Ford, Dr. Ellen J. Staurowsky, Michele Roberts, and Casey Floyd (DYK Media)

DATE: July 10, 2025

RE: The SCORE Act, Other Federal Legislative Proposals, and the Future of College Athlete Rights

TABLE OF CONTENTS

I. Introduction

This briefing document provides the Committee a comprehensive analysis of the "SCORE Act." A proper evaluation of this bill is impossible without understanding the sophisticated, six-year influence campaign by the NCAA and Power 4 (P4) conferences that created the political environment for its introduction.

The materials that follow are therefore designed to provide that essential context, deconstructing the P4/NCAA's strategies and legislative history to fully illuminate the SCORE Act's true purpose and consequences.

Our analysis is structured to build a clear, evidence-based case for lawmakers, demonstrating why the SCORE Act – or any similar legislation - should be rejected.

The materials that follow deconstruct this influence campaign, analyze the nearly two dozen legislative proposals it has produced, and provide an evidence-based counter-narrative grounded in fundamental American principles of free competition, labor rights, and governmental accountability.

II. Executive Summary of Key Themes & Analyses

Our analysis reveals a sophisticated, multi-faceted effort by the P4/NCAA to achieve permanent regulatory supremacy by eliminating all external threats—from federal courts, state legislatures, and federal labor laws. The materials in this package are designed to equip your committee with the evidence to scrutinize this campaign and its legislative products.

- **A Flawed and One-Sided Legislative Process:** Our analysis of the 17 congressional hearings on these issues since 2020 reveals a profound imbalance. With a nearly 3-to-1 witness ratio in favor of institutional interests and a near-total absence of independent experts or key athlete voices, the process has been engineered to support the P4/NCAA agenda.

- **The "Whether" vs. "How" and “When” of Federal Intervention:** A foundational myth-fact sheet tackles the threshold question of *whether* Congress should intervene at all, arguing that existing American laws are sufficient and that the push for "new" federal laws is a plea for a special exemption that would result in the disparate treatment of college athletes.

- **Deconstructing the "Three Asks":** We provide detailed myth-fact sheets on the P4/NCAA's core legislative goals: **federal preemption**, **antitrust immunity**, and a **"no-employee" mandate**. Each analysis demonstrates how these "asks" serve to consolidate institutional power at the expense of athlete rights and state authority.

- **A Score-based Analysis of Key Legislative Proposals in Congress Since 2020:** We provide a comprehensive, annotated timeline of all 23 major federal bills introduced since 2020. Using our **"American Values & Athlete Rights Score,"** this analysis visually and substantively tracks the evolution of legislative proposals, revealing a clear trend toward the entrenchment of P4/NCAA power.

- **The "Illusory Benefits" Trade-Off:** We deconstruct the claim that P4/NCAA-favored bills offer a fair trade-off of "benefits" for rights. Using data from public records requests, we show that touted benefits like post-eligibility medical care and degree completion programs are minimally utilized and represent a negligible institutional investment.

- **The *House* Settlement as a Trojan Horse for the SCORE Act's Elimination of Athletes' Rights:** With this comprehensive framework established, we provide our direct **Current Legislation Analysis of the "SCORE Act."** This section is broken into two parts:
    - An analysis of the profound **misalignment between the SCORE Act's provisions and the actual scope of the *House v. NCAA* settlement**, demonstrating how the bill uses the settlement as a pretext to achieve unrelated, long-held P4/NCAA objectives.
    - An analysis of the **substantive changes between the current and prior drafts of the SCORE Act**, revealing how recent revisions have made the bill even more hostile to athlete rights by further expanding institutional control and legal immunities.

- Finally, on the premise that some legislation may be inevitable, we conclude with **Proposed Legislative Amendments**, offering recommendations on narrowing the Act's most noxious terms and proposing a framework for unprecedented standards of transparency and accountability as a non-negotiable condition for any grant of federal protection.

We believe this comprehensive package provides a clear, evidence-based counter-narrative to the one that has dominated the legislative debate. We hope it serves as an important resource for the Committee's critical work.

III. Spotlight on the Congressional Hearing Process: An Unlevel Playing Field

Introduction: Before analyzing the legislative proposals, it is crucial to understand the context in which they were debated. The congressional hearings on college sports, far from being balanced fact-finding inquiries, have been dominated by institutional interests, creating an echo chamber that has largely excluded critical perspectives, independent expertise, and the authentic voices of the athletes most affected. This imbalance was not accidental; it was the product of a sophisticated and massively funded influence campaign.

The NCAA and Power 4 (P4) conferences have deployed the most powerful lobbyists in Washington D.C. The NCAA retains Brownstein Hyatt, the #1 ranked lobbying firm in the nation, which assigns its top "crisis management" specialists to the NCAA account—the same lobbyists who have worked for clients like Purdue Pharma. The SEC retains Akin Gump, the #2 ranked lobbying firm. Since 2020, the NCAA and P4/P5 conferences have spent at least $15 million on these professional lobbying fees.[1]

In stark contrast, college athletes have no professional lobbyists working for them in Washington.

This gross disparity in resources and access has profoundly shaped the legislative process. The data from the 17 hearings held between February 2020 and June 2025 reveals a profound and sustained imbalance:
Hearing Witness Breakdown (2020-2025)

- Total Witness Slots: 79
- Pro-P4/NCAA Witnesses: 57 (72%)
- Pro-Athlete Witnesses: 22 (28%)
- Overall Witness Ratio: A greater than 2.5-to-1 advantage for institutional interests.
- Domination by Institutional Leadership: 40 of the 79 slots (51%) were occupied by NCAA presidents, conference commissioners, university presidents, or athletic directors.

[1] DYK has researched and analyzed the NCAA/Power 5 congressional campaigns. Our data includes a comprehensive timeline of congressional activity beginning in February 2019, congressional hearing information with hearing summaries and links to hearing videos, a federal legislation chart that includes key bills/discussion drafts introduced with bill summaries, analysis, and links to each bill, overall lobbying expenditures, and all Senate Lobbying Disclosure Reports since 2020 with links to each.

- Suppression of Counterarguments: 12 of the 17 hearings (71%) featured only a single athlete-friendly witness.

The Exclusion of Critical Voices & The Source of the Funds

The P4/NCAA's influence playbook has been remarkably effective not just in who gets to speak, but in defining what issues are deemed important.

- Key Athlete Voices Silenced: Over six years of debate and 17 congressional hearings, only ONE current or recently graduated Power 4 football or men's/women's basketball player testified before Congress. The primary laborers of the college sports economic engine were almost entirely absent from the discussion about their future.
- A Void of Independent Expertise: There were ZERO expert witnesses called to testify on the economics of college sports, health and safety standards, or Title IX. Only ONE non-NCAA affiliated expert on labor law was ever invited.
- Federal Agencies Ignored: Despite the central role of federal law and regulation in these debates, ZERO witnesses from any relevant federal agency—including the NLRB, FTC, Department of Justice Antitrust Division, or the Department of Education's Office for Civil Rights—were called to provide their expert assessment to the committees.
- Athlete Labor Funds the Campaign Against Them: All of the NCAA's lobbying and public relations expenses are paid from revenue generated by the labor of Division I men's basketball players, the vast majority of whom are African American. In effect, these athletes are funding the political weapons being used to limit or eliminate their fundamental rights as Americans—a critical fact that has been entirely absent from the congressional discussion.

Conclusion: This data demonstrates that the legislative process has not been a balanced search for truth, but a platform largely controlled by a well-funded and powerful institutional lobby. This context is essential for understanding the legislative proposals that have emerged from this one-sided process.

IV. Foundational Myth-Fact Sheet: The "Whether" and "Why Now?" of Federal Intervention : The Claimed Necessity & Urgency of Federal Legislation Protecting the P4/NCAA's Business and Regulatory Models

Introduction:
The NCAA and Power 4 (P4) conferences, backed by a sophisticated lobbying apparatus funded by athlete labor, have spent the last six years successfully framing the debate in Washington D.C. around the *presumption* that federal legislative intervention in college sports is not just necessary, but urgently required.

This manufactured crisis narrative—first centered on the "chaos" of Name, Image, and Likeness (NIL) and now on the supposed need to "codify" the *House v. NCAA* settlement—has allowed the P4/NCAA to leapfrog the most fundamental question of all: *whether* Congress should use its extraordinary constitutional powers to protect a private industry's business model from America's foundational free competition and labor laws.

This document deconstructs the intertwined myths of necessity and urgency, arguing that existing laws are sufficient to govern college sports and that rushing to legislate in the wake of the potentially transformative but uncertain *House* settlement would be a profound policy mistake.

Myth #1: College sports are a treasured American cultural asset worthy of "special" protection, and the current legal and regulatory challenges are so complex that existing American laws are insufficient, making a new, special federal legislative framework necessary to "save" the industry.

- **Fact:** The P4/NCAA's demand for a "new" federal law is primarily a strategy to *avoid* accountability under existing, perfectly applicable American laws.
    - **Antitrust:** The Sherman and Clayton Acts have been used for over a century to prevent cartels from fixing prices and suppressing labor costs. The fact that the NCAA's amateurism-based compensation limits have been repeatedly found to violate these laws is not evidence that antitrust law is broken; it is evidence that the NCAA's conduct is unlawful.
    - **Labor:** The National Labor Relations Act (NLRA) and Fair Labor Standards Act (FLSA) provide well-established legal tests for determining employee status. The appropriate inquiry on employee status isn't whether college athletes "*should*" be employees, it is

whether they *actually are* employees applying well-settled, well-tested, and fact-based tests for employee status. The "should" question subordinates reliable legal criteria to college sports' mythologies like the "student-athlete" which is a fraudulent "status" invented in the 1950s by NCAA lawyers to prevent workers' compensation liability in suits by injured athletes. The NCAA has used this fraud—quite successfully—for over 75 years to beat back any labor-related claims that require employee status. To the NCAA and Power 4, the term "student-athlete" is the *legal opposite* of employee.
    - **Civil Rights:** Federal laws like Title IX and Title VI, enforced by the Department of Education's Office for Civil Rights, are the proper channels for addressing gender and racial discrimination claims within college sports.

- **Fact:** The central "crisis" for the P4/NCAA is not that existing laws are insufficient, but that they are finally being *utilized and applied* to challenge the NCAA/P4's regulatory hegemony.
    - The only true "crisis" for the P4/NCAA is being forced to comply with America's foundational free competition and labor laws after decades of operating with a judicially granted, amateurism-based immunity that the Supreme Court rejected in *Alston*. The NCAA and P4's six-year-long plea for a "federal solution" is an unprecedented attempt to avoid this legal reckoning.

- **Fact:** The argument that a private industry requires special federal protection from foundational laws is fundamentally at odds with American principles of free enterprise, economic liberty, and the rule of law.
    - As Federal Trade Commission official Howard Beales warned Congress during hearings in 2002 on the Sports Agent Responsibility and Trust Act (SPARTA; regulating college athlete agents), the federal government should be wary of enacting legislation that functions to protect a private industry's interests and rules over the public's interest in free competition and consumer protection. The current P4/NCAA "ask" is a far more extreme version of what Beales cautioned against in 2002.

- **Fact:** No other class of American citizens in the post-civil rights era has been so specifically targeted for an *elimination* of their rights as Americans through the creation of a "new," regressive set of federal laws. The

P4/NCAA's legislative agenda, if successful, would turn college athletes into second-class citizens.

Myth #2: The current regulatory environment in college sports is so uncertain and unstable, particularly after the *House v. NCAA* settlement, that immediate action is needed to "codify" the agreement and bring stability.

- **Fact:** The *House* settlement itself introduces massive, system-wide changes and unprecedented uncertainty, making this the *worst* possible time for Congress to legislate.
    - The settlement's revenue-sharing model, the creation of the P4-run College Sports Commission (a new P4 enforcement arm), and the complex legal and financial mechanics are just beginning to be implemented. The full consequences—on institutional budgets, competitive balance, Title IX compliance, and conference stability—are unknown and will take years to understand. Rushing to "codify" this framework before its real-world effects are known would be irresponsible policymaking.

- **Fact:** The P4/NCAA's call for urgency is a long-standing "crisis management" tactic, not a new reality. The NCAA and Power 4 have been in perpetual “crisis” for six years.
    - On May 23rd, 2020 (during the height of the COVID lockdowns), P5 commissioners sent a joint letter to Congress begging for preemption, antitrust immunity, and a no-employee provision. They claimed that "time is of the essence" for a federal NIL bill. Before the 2022 midterms, Sen. Roger Wicker (R-MS) made a similar plea. In June 2023, NCAA President Baker argued protective legislation was needed before the 2024 election cycle. In August 2024, the Power 4 conference commissioners took descended on Washington to demand protective legislation to prevent the fatal collapse of college sports. This manufactured urgency is a *lobbying strategy* designed to pressure lawmakers into acting on the P4/NCAA's preferred timeline, before deeper consideration or the natural evolution of the market can provide better insights and solutions.

- **Fact:** The argument that Congress must act immediately to "save" the settlement is a false choice.
    - The P4/NCAA and their allies will argue that without federal protections, the settlement could collapse under the weight of new

lawsuits or state-level defiance. However, this frames the issue incorrectly. A more prudent approach would be to deny a legislative bailout and allow the settlement, with all its strengths, flaws, and uncertainties to be tested under existing antitrust, labor, and civil rights laws. If parts of the settlement are anticompetitive (like a collusive revenue cap) or violate Title IX or Title VI, they *should* be vulnerable to legal challenge. That is the American system working as intended.

- In comments to a reporter three weeks after the *House* settlement received final approval, NCAA President Charlie Baker cautioned against haste in the context of discussions on collective bargaining for college athletes: "*I had 65 unions I negotiated with when I was governor. I'm quite aware of the complexity to this…Before everybody says, Stop! Let's do something else![collective bargaining] Let's see if the settlement works."*

Conclusion: There is no compelling, evidence-based reason for Congress to rush into passing unprecedented federal protections for the NCAA and P4 conferences. The claim that existing American laws are insufficient is false; the reality is that the P4/NCAA simply wish to be exempt from them. Furthermore, the immense instability and uncertainty created by the *House* settlement make this a particularly perilous time for federal intervention.

A "wait-and-see" approach is not a sign of inaction, but of prudence. Congress should allow the market, the courts, administrative agencies, and the universities themselves to navigate the settlement's aftermath, and only consider federal action if a clear, demonstrable market failure or widespread harm to athletes emerges that cannot be addressed by existing legal frameworks.

V. Issue-Specific Myth-Fact Sheets: Deconstructing Preemption, Antitrust Immunity, and the "No Employee" Mandate

A. Preemption

Introduction:
An extraordinary and consistent demand from the NCAA and Power 4 conferences is for sweeping federal preemption. This constitutional power (Article VI's Supremacy Clause), typically reserved for matters of vital national interest, would be used to nullify a wide range of existing and future state laws related to college athlete rights, including *all forms of compensation* (not just NIL), employment status, and more.

The primary justification offered is the need to create a "uniform national standard" to eliminate a "chaotic patchwork" of state laws. However, a close examination of the historical record, the P4/NCAA's own strategic documents, and the nature of the state laws themselves reveals that this demand is less about creating a "level playing field" for athletes and more about eliminating states as external regulatory threats, consolidating P4/NCAA control, and foreclosing pathways to greater athlete rights that might emerge from state-level innovation.

Myth: A broad federal preemption of state laws is necessary to eliminate the "chaotic patchwork" of conflicting NIL regulations, which has created an unworkable system and an unlevel playing field that harms college sports and its athletes.

- **Fact:** The P4/NCAA's demand for federal preemption has been a core objective since the passage of California's name, image, and likeness law (SB 206) in September 2019 which launched the NIL era and the P4/NCAA's congressional campaign.
    - The NCAA's Federal and State Legislation Working Group's Presidential Subcommittee on Congressional Action, in its April 2020 Final Report[2], demanded that stakeholders "Immediately engage

[2] NCAA Board of Governors Federal and State Legislation Working Group Final Report (April 17, 2020, p. 27) "In light of the above and driven by our desire to do what is best for our student-athletes, the Presidential Subcommittee urges the NCAA Board of Governors to:

1. Support the ongoing modernization effort of NCAA rules in areas of student-athlete well- being, including student-athlete experience, health and safety and academic success; and
2. **Immediately engage Congress** to accomplish the following:

Congress to...[e]nsure federal preemption over state name, image, and likeness laws." The P4 and NCAA have not deviated from their long-standing goal to eliminate states from the regulatory field.

- **Fact:** The initial wave of state NIL laws passed from 2019-2021 was remarkably similar, not chaotic, and largely deferred to NCAA amateurism principles.
    - The Uniform Law Commission (ULC), which studied these laws for its own model NIL act, noted in its July 2021 presentation of its uniform NIL law that "the one thing that has been striking is that the laws are very similar. There are some differences, but most of the differences are not significant." The ULC also observed that states were not trying to "one-up" each other with more permissive laws, but rather to ensure their schools weren't left behind. This contradicts the "patchwork" and "chaos" narratives.

- **Fact:** Much of the perceived "chaos" in the NIL market was a direct result of the NCAA's own actions, not state laws.
    - The NCAA's refusal to create clear national NIL rules and its subsequent adoption of a hands-off "Interim Policy" on June 30, 2021, created a regulatory vacuum. The NCAA then used this self-created vacuum to argue for the necessity of federal preemption.

- **Fact:** There has been a near-total lack of enforcement of these state laws, undermining the claim that they create an unworkable conflict for institutions.
    - In sworn follow-up testimony after the October 17, 2023, Senate Judiciary Committee hearing, NCAA President Charlie Baker stated that the NCAA was "not aware of any documented cases of states enforcing their NIL laws." If states are not even enforcing their own laws, it is difficult to argue they are creating an unmanageable regulatory conflict requiring federal preemption.

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1. Ensure **federal preemption** over state name, image, and likeness laws;
2. Establish an **antitrust exemption** for the Association;
3. Safeguard the **nonemployment status** of student-athletes;
4. Maintain the distinction between students-athletes and professional athletes; and
5. Uphold the NCAA's values including diversity, inclusion and gender equity." (emphasis added)

- **Fact:** The preemption sought by the P4/NCAA in numerous federal bills goes far beyond NIL, aiming to nullify state laws related to athletes' fundamental rights.
    - Bills like Senator Roger Wicker's (R-MS) S. 5003 (2020) and Senator Ted Cruz's (R-TX) 2023 discussion draft sought to preempt state laws governing not just NIL, but also **athlete employment status**, among other things. This shows the true goal is not merely NIL uniformity, but a broad elimination of state-level pathways to greater athlete economic and labor rights.

- **Fact:** Recent state laws or gubernatorial executive orders (e.g., Virginia, Georgia, Texas, Oklahoma, and Tennessee) that appear to challenge NCAA rules and authority (by permitting direct NIL payments to athletes or prohibiting NCAA enforcement actions) are often driven by the same competitive advantage concerns as earlier NIL laws and contain provisions that defer to a valid federal court order, such as the finalized *House* settlement.
    - Georgia's Executive Order permitting direct NIL payments to athletes explicitly became null and void when the *House* settlement received final approval. The University of Virginia's Athletics Director Carla Williams said after the passage of Virginia's direct payment law that the law was not utilized, it would be beneficial if it brought Congress "closer to a federal or national solution" (preemption). Tennessee's more aggressive law that directly challenges NCAA regulatory authority includes a clause making its provisions subject to a "valid court order," which the finalized *House* settlement would be. This suggests that some of the state-level "rebellion" is, in part, manufactured to create urgency for a federal solution that the P4/NCAA ultimately control: federal preemption. Importantly, no state has actually used these laws.

- **Fact:** The P4/NCAA's attempt to achieve "private contract preemption" through their proposed "Affiliation Agreements"—forcing member schools to abide by conference and College Sports Commission rules and disobey conflicting state laws—creates a "fake showdown," allowing the P4 to go to Congress and claim, "look, we tried to create stability by agreement, but states are rebelling, so you must grant us federal preemption." This reveals preemption not as a solution to an existing problem, but as the desired outcome of a manufactured one.

Conclusion: The P4/NCAA's demand for broad federal preemption is not a good-faith effort to solve a "chaotic" system harming athletes; it is a strategic political objective designed to eliminate state legislatures as a source of pro-athlete innovation and institutional accountability. The "chaos" narrative has been grossly exaggerated and any perceived financial and regulatory instability was self-inflicted.

The true aim of federal preemption, as revealed in proposed legislation, is to grant the NCAA and P4 conferences unchallenged regulatory supremacy, particularly over the crucial areas of athlete compensation and labor rights. Congress should view this request with extreme skepticism and recognize it as an attempt to use federal power to strip state-based rights from college athletes.

B. Antitrust Immunity

Introduction:
A pillar of the Power 4 (P4) and NCAA's six-year campaign in Congress is the demand for an unprecedented statutory exemption from America's foundational free competition laws. Proponents argue that this sweeping immunity is a necessary tool to "codify" and "implement" the recent *House v. NCAA* settlement and bring "stability" to college sports.

However, an examination of the P4/NCAA's quest for blanket immunity from America's free competition laws is not about market or regulatory "stability", but about insulating a powerful cartel from legal accountability. It is an attempt to achieve permanent regulatory supremacy by having Congress place this group of education nonprofits who are disingenuously in the sports-entertainment industry above the very laws designed to protect free markets and fair competition for labor.

Myth: A broad, statutory antitrust exemption from Congress is essential for the NCAA and Power 4 conferences to responsibly implement the *House v. NCAA* settlement, create stable national rules, and protect the college sports enterprise from endless, destabilizing litigation.

- **Fact:** The P4 and NCAA have a long and documented history of violating federal antitrust laws. The U.S. Supreme Court unanimously ruled in *NCAA v. Alston* (2021) that the NCAA's restrictions on education-related benefits were anticompetitive and rejected their arguments for special judicial immunity. Granting statutory immunity to a recidivist antitrust violator would reward unlawful behavior and contradict the core purpose of our nation's free competition laws.

- **Fact:** The *House v. NCAA* settlement *already provides* the P4 and NCAA with a powerful, comprehensive form of settlement-based antitrust immunity through sweeping legal releases.
    - As a condition of the multi-billion-dollar payout, the settlement requires class members to release the defendants (and others such as the College Football Playoff) from a vast range of past, present, and future claims related to the rules at issue. This contractual immunity, negotiated without athlete input and approved by a federal court, already shields the core components of the NCAA/P4's unlawful business model (particularly amateurism-based compensation limits) from further antitrust challenges by hundreds of thousands of athletes

over a ten-year period. The insistence on an additional, blanket *statutory* immunity from Congress suggests the true goal is not merely to protect the settlement, but to gain the power to impose future anticompetitive rules on a new generation of athletes without any legal accountability whatsoever.

- **Fact:** The P4/NCAA's demand for antitrust immunity pre-dates the *House v. NCAA* lawsuit and has been a cornerstone of their legislative strategy since at least 2019.
    - In a secret meeting in December 2019, Power 5 leaders identified the need for a legislative solution to "keep us from facing numerous lawsuits" as a foundational goal well before the *House* case was filed in June 2020. In December 2022, an ACC Memo reiterated antitrust immunity as a non-negotiable "Must Have." This history proves the quest for antitrust immunity is a long-term strategy to achieve regulatory supremacy, not a recent necessity brought about by the *House* settlement.

- **Fact:** There is a legitimate, established pathway for sports leagues to gain antitrust protection for labor restrictions: the non-statutory labor exemption, which is achieved through good-faith collective bargaining with a players' union under the protections of the National Labor Relations Act.
    - Professional sports leagues have legal antitrust protection for things like salary caps, but only because those terms have been negotiated with a players' union representing the athletes' collective interests. The P4 and NCAA have steadfastly refused to pursue this pathway because it would require them to recognize athletes as employees and bargain with them as legitimate partners and laborers. The P4 and NCAA are asking Congress to grant them the legal rewards of a collective bargaining agreement (antitrust peace) without negotiating with athletes (as employees with rights under the NLRA).

- **Fact:** The new revenue-sharing model in the *House* settlement, which imposes a cap on direct athlete compensation, is itself a potential antitrust violation—a point Class Counsel has seemingly conceded.
    - The settlement replaces one wage cap with another. As Class Counsel Steve Berman stated, the settlement negotiations themselves looked like Defendants were "conspiring on how to fix the price of paying college athletes." The P4/NCAA's demand for statutory antitrust immunity is, in effect, a request for Congress to prospectively bless a

new, potentially illegal wage-fixing agreement that was negotiated without a certified athlete union.

- **Fact:** In 2002, a high-ranking FTC official warned Congress against using federal law to legitimize and protect the NCAA's private, anticompetitive rules and business practices.
    - During hearings on the Sports Agent Responsibility and Trust Act (SPARTA), Howard Beales, then Director of the FTC's Bureau of Consumer Protection, stated that Congress should "carefully examine the underlying private restraint [NCAA rules] before enacting legislation that supports them." This provides a powerful historical precedent and a principled objection to the very nature of the P4/NCAA's current request. The core issue remains the same today: should Congress use its power to protect a private industry's business model from the rule of law.

Conclusion:
The demand for statutory antitrust immunity by the NCAA and Power 4 conferences is not a reasonable request for stability, nor is it a necessary component for implementing the *House v. NCAA* settlement. It is an audacious attempt by a powerful, multi-billion-dollar cartel with a history of anticompetitive conduct to be permanently placed above the nation's foundational free market laws.

The settlement already provides substantial protection from litigation by the class members via the broad releases contained in the settlement documents. The push for additional, sweeping statutory immunity reveals the true objective: to secure unchallengeable power to create and enforce future compensation caps and other restrictive rules without fear of legal accountability from a new generation of athletes.

There is already an established, legitimate pathway for sports enterprises to gain protection from antitrust law for labor restrictions: good-faith collective bargaining with employees. The P4/NCAA have rejected this path. Instead, they are asking Congress to grant them an extraordinary and unprecedented "no-strings-attached" exemption that would uniquely disadvantage college athletes.

Congress should recognize this request for what it is—a plea for a legislative bailout from the rule of law—and reject it outright. The principles of free competition that apply to every other American industry must apply to college sports and athletes as well.

C. No-Employee Mandate

Introduction:
Of the three primary legislative objectives sought by the NCAA and Power 4 (P4) conferences, none is more consequential than the demand for a federal mandate that college athletes cannot be considered employees.

This "no-employee" provision, the centerpiece of several P4/NCAA-favored bills, represents a radical attempt to legislatively carve out a special, unprotected class of laborers, stripping them of fundamental rights guaranteed under foundational American labor laws.

The campaign for this exemption relies not on legal precedent or economic reality, but on a series of persistent myths designed to generate fear and obscure the facts. These narratives suggest that recognizing athletes as employees would destroy the undermine education, and end college sports as we know it.

The P4/NCAA's campaign to eliminate athletes' labor rights is built largely on the mythology of the "student-athlete," rather than the reality of the relationship between athletes and institutions. Walter Byers – the NCAA's first chief executive – and NCAA lawyers crafted the term "student-athlete" in the 1950s to avoid claims by injured or deceased athletes under state workers' compensation laws which require employee status.

Today, the P4 and NCAA use the term to mean the **legal opposite of employee**.

Importantly, the P4/NCAA have used this 70-year fake concept to manipulate the question of employee status to whether college athletes – or certain classes of them – **should** be employees athletes, rather than whether they actually **are** employees under well-settled, fact-based legal tests to determine employee status.

This document provides an evidence-based refutation of these claims, demonstrating that the arguments against employee status are largely unfounded and that a system recognizing athletes as employees is not only viable but aligns with core American principles of fair labor and education.

Myth - The NCAA is opposed to paying college athletes.

- **Fact -** As per Bylaw 12.02.10 that defines pay in the NCAA manual, "Pay is the receipt of funds, awards or benefits not permitted by the governing legislation of the Association for participation in athletics" (p. 35). What this means is that the NCAA has never been opposed to paying athletes. It insists on regulating pay under terms and conditions that it unilaterally imposes on athletes.

Myth – Employment status threatens the ability of college athletes to earn a college degree.

- **Fact –** There is simply no foundation to support this claim. According to the U.S. Bureau of Labor Statistics, over 44% of college undergraduates during the 2022-2023 academic year had paying jobs. They were earning their degrees while working for a paycheck. Even at the high school level, over 22% of students have paying jobs.

- **Fact -** The notion that employment status defeats a college athlete's ability to earn a college degree simply has no basis in fact. Under an employment model, educational benefits could be collectively bargained, meaning that the opportunity for college athletes to fully take advantage of their educational benefits could be enhanced if they were recognized as employees.

Myth - Designating college athletes as employees with the right to unionize and engage in collective bargaining will "kill the goose that laid the golden egg", as Senator and former college football coach Tommy Tuberville (R-AL) and former Senator Joe Manchin (D-WV) have said.

- **Fact**- The term "kill the goose that laid the golden egg" is a reference to the economic future of college football. It was used by Senator Roman Hruska (R-NE) in 1975 when he wrongly predicted that if Title IX applied to athletic programs it would lead to the decline of the quality of college football.

- **Fact** - The college sport industry, and college football, thrived economically in the aftermath of the passage of Title IX. As Arizona State University (ASU) professor, Victoria Jackson, wrote in 2021, "The Power 5

conferences' collective revenue, just shy of $4 billion annually today, was only $2.1 billion in 2014-15."

Myth – Employment status for college athletes undermines their freedom to make academic choices.

- **Fact –** For decades, under the "student-athlete" non-employee model, researchers have documented that some portion of college athletes are discouraged from taking certain courses and advised to major in "eligibility". What this means is athletes choose courses that don't conflict with practices and games, take courses with identified professors who are "athlete friendly", and are clustered into degrees that present fewer conflicts with athletic demands.

- **Fact -** College athletes academic choices have historically been limited due to demands of their sport and pressure to remain academically eligible. Research on athlete academic advisors has shown that they feel pressure to limit their advisement of athletes to courses and academic plans of study to maintain eligibility.

- **Fact -** There has been an increase since 2006 in the number of college athletes who remain eligible to compete in their sports and pursue a second degree and/or master's degree.

Myth - Colleges and universities have no avenue to accommodate a college athlete employee model and still allow college athletes to earn academic degrees.

- **Fact -** Higher education institutions already have a model that would accommodate college athlete employees. For decades, colleges and universities have had an existing employment model that allows for full-time employees to pursue academic degrees through tuition remission programs. Employees on college campuses who are members of unions have tuition remission programs in their collective bargaining agreements.

- **Fact -** Classifying college athletes as employees does not threaten the academic prospects of athletes and may improve conditions for them to achieve their educational goals. Athletes can be employees and students.

Myth- Recognizing college athletes as employees replaces a "transformational" experience with a "transactional experience."

- **Fact** -This claim overlooks the fact that college athletes are already in transactional contractual agreements. Athletic scholarship agreements, which have existed since 1956, are contracts. Employee status would address the power imbalance that currently exists between college athletes and their coaches, programs, institutions, and governing bodies.

Myth - College athletes have never been considered employees.

- **Fact -** In 2021, then director of the National Labor Relations Board Jennifer Abruzzo wrote, "...the broad language of Section 2(3) of the Act, the policies underlying the NLRA, Board law, and the common law fully support the conclusion that certain Players at Academic Institutions are statutory employees, who have the right to act collectively to improve their terms and conditions of employment."

- **Fact -** Dartmouth men's basketball players, with support from the Service Employees International Union (SEIU) were found to be employees under the National Labor Relations Act (NLRA) by Region 1 - National Labor Relations Board (Boston) Director Laura Sacks in 2024.

- **Fact -** In 2014, NLRB Regional Director Peter Sung Ohr found Northwestern football players who received grant-in-aid scholarships to be employees, opening the door for players to unionize. While the NLRB later declined to assert jurisdiction after Northwestern appealed, the decision was narrow and allowed for reconsideration in the future.

Myth – Recognizing college athletes as employees would increase pressure and demands on them.

- **Fact** – According to surveys conducted by the NCAA, college athletes spend 35-50 hours a week fulfilling obligations associated with their sports. One of the benefits of being recognized as an employee is federal law regulates work weeks and conditions under which workers receive compensation when they work overtime.

- **Fact -** Research shows that coaches favor rules that give them more time with athletes, effectively expanding their work day and week; athletes favor rules that give them greater control over their work schedules.

- **Fact -** Like other campus workers, college athletes are required by NCAA rules to account for their time working. Records are kept of how many hours they practice and compete and how they spend their time in the program.

- **Fact -** The NCAA made up its own definition of time to make it appear that college athletes are not working as many hours as they do. As per the NCAA Manual for 2024-2025, "All competition and any associated athletically related activities on the day of competition shall count as three hours regardless of the actual duration of these activities" (p. 222).

- **Fact** - In 2022, the NCAA identified mental health as the top reason college athletes transferred to another institution. Over half of college athletes do not feel comfortable seeking support for mental health issues on their campuses.

Myth – Employment status will increase the likelihood of college athletes being fired when they are injured.

- **Fact** – There are federal and state laws that prevent employees from being fired when they are hurt on the job. Employee status would open up opportunities for college athletes to receive workers compensation and to be protected from retaliation and wrongful termination. At present, college athletes have limited protections when they are injured.

Myth - If college athletes are recognized as employees, international students would not be able to compete on U.S. college teams.

- **Fact** - International athletes who compete on teams sponsored by U.S. professional leagues work under a P-1A visa.

Myth - If college athletes are recognized as employees and they receive paychecks, the tax implications would result in athletic departments losing their tax-exempt status as non-profits.

- **Fact -** According to the U.S. Department of Education Integrated Postsecondary Education Data System, U.S. colleges and universities employed nearly 4 million people in the fall of 2022. The fact that those workers were obligated to pay income tax at the federal, state, and local levels did not jeopardize the status of the colleges and universities they work for as non-profits.

- **Fact** - For decades, college athletic departments have been referred to as the "front porch" of universities. The primary reason for this characterization is that athletic departments contribute to the mission of education institutions serving as the anchor for institutional brand marketing and identity. Recognizing college athletes as employees does not change that role and function. College athletes have long been regarded as some of the most prominent storytellers that colleges and universities have because of their ability to garner public interest.

- **Fact -** According to an issue brief published in the Fall 2024 issue of National Association of College and University Business Officers (NACUBO)'s *Accounting and Tax Quarterly*, "...current IRS guidance suggests that an educational institution is unlikely to jeopardize its tax-exempt status by directly paying student-athletes as long as the educational institution can demonstrate that their NIL activities remain secondary to their primary exempt educational purposes."

Myth - College athletes will have to pay income taxes on money earned from NIL and revenue-sharing.

- **Fact** - On April 28, 2025, Sarah Huckabee, the Governor of Arkansas signed a bill exempting earnings from college athlete NIL agreements from state income tax. It is reported that legislators in other states have proposed and/or are contemplating such exemptions, including Alabama, Georgia, Illinois, Louisiana, and North Carolina.

Myth - Classifying college athletes as employees would result in college sport programs "becoming" professional.

- **Fact** – In NCAA President Myles Brand's annual address to the Association in 2006, responding to concerns that there was too much commercialism in college sport, urged the membership to "not be ambivalent about doing the business of college sport". In effect, the business of college sport could be run as professionally as it needed to be run in order to keep up with its economic peers (he NFL, MBA, MLB) but athletes would remain amateur.
- **Fact –** The Big Ten has deals with FOX/FS1, CBS, NBC and Big Ten Network worth $8.5 billion that extend through 2029-2030. The SEC's first-tier rights with ESPN alone are valued at $6 billion through 2033-2034 (per school average payout per year at $68.75 million). The ACC's first tier rights with ESPN valued at $4.8 billion (per year per school average at $17.1 million) (The Business of College Sports, 2023).

Myth - Classifying college athletes as employees threatens the economic viability of the entire college sport industry.

- **Fact -** For fiscal year 2023, the Big Ten generated nearly $1 billion in revenue. By 2025, it is expected that revenue in the Big Ten will increase to $1.2 to $1.4 billion.

- **Fact** - The system has the financial wherewithal to support a college athlete employment model. College sport officials run their business the way they do because they are permitted to do so. An analysis of NCAA Membership Financial Reports by Wittry (2023), "While an increasing percentage of annual revenue goes to coaches, support and administrative staff members, and facilities, a decreasing percent goes toward expenses that have costs that are relatively fixed, such as athletic student aid, meals or sports equipment…"

- **Fact -** According to Garthwaite et al. (2020),from 2008 to 2018, the combined revenue of Power Five conferences (ACC, Big Ten, Big 12, Pac-12, and SEC) increased by 260%. That growth rate outpaced the NFL (90%) and the NBA (110%) during the same period of time.

- **Fact** - During the 10 year period between 2009-2019, “The annual revenue within Power 5 athletic departments has nearly doubled across the board in the last decade or so” (Wittry, 2023).

Conclusion:
The arguments against recognizing college athletes as employees are built on a foundation of long-standing mythologies, not facts. The evidence demonstrates that college athletes, particularly in high-revenue sports, already perform their duties under employment-like conditions, that their academic pursuits are compatible with an employment model (as they are for millions of non-athlete students who work), and that the college sports industry possesses the financial wherewithal to sustain such a model.

The true purpose of the campaign for a federal "no-employee" mandate is not to protect the educational experience or the viability of college sports; it is to deny athletes access to the powerful legal tools that protect all other American workers. Employee status would unlock the right to collectively bargain for fair compensation, safe working conditions, and a meaningful voice in the governance of their industry through the National Labor Relations Act (NLRA). It would provide access to protections under the Fair Labor Standards Act (FLSA) and workers' compensation laws.

Congress should reject the P4/NCAA's request to legislate a special, discriminatory exemption from these foundational laws. The determination of employee status should be left to the established legal and administrative processes of the NLRB and the federal courts, which are designed to analyze the economic realities of a working relationship. Granting a "no-employee" mandate would not "save" college sports; it would merely entrench an exploitative and legally tenuous business model at the expense of athletes' fundamental rights.

D. The "Athlete Voice" in College Sports

Introduction:
A cornerstone of the NCAA and Power 4 (P4) conferences' public relations and legislative strategy is the claim that they prioritize the "athlete voice" and that student-athletes are integral participants in the governance of college sports. This narrative creates the impression of a democratic, representative system where athlete interests are heard and protected.

However, an analysis of the actual governance structures, historical patterns, the NCAA's own internal rules, and the testimony provided to Congress reveals that the authentic, independent voices of athletes—particularly revenue-producing athletes—are systematically marginalized, controlled, or excluded altogether. This serves to legitimize a system that operates primarily for the benefit of institutional and commercial interests, while the athletes whose labor generates the industry's wealth are denied a meaningful seat at the table.

Myth #1: College athletes are meaningfully represented within the NCAA governance structure because they have the Student-Athlete Advisory Committee (SAAC) and serve on NCAA committees.

- **Fact** - College athletes are not members of the NCAA and have no independent standing to demand a seat at decision-making tables. The NCAA is a private association whose members are institutions and conferences, not the athletes who participate in their sports. This foundational structural flaw means athletes are, by definition, outsiders to their own governance, with their interests represented only through the very institutional stakeholders they may have grievances with.[3]

- **Fact** -The NCAA's primary vehicle for athlete representation, the Student-Athlete Advisory Committee (SAAC), is an NCAA-sanctioned and controlled body, not an independent players' association. SAAC exists at the pleasure of the NCAA and its members. As former NCAA President Mark Emmert conceded in a September 2022 interview, the SAAC structure is not

[3] See NCAA website, "What is the NCAA?" (https://www.ncaa.org/sports/2021/2/10/what-is-the-ncaa.aspx) ("The NCAA is a member-led organization dedicated to the well-being and lifelong success of college athletes...NCAA members are colleges and universities, athletics conferences and affiliate organizations.").

as representative as it should be, particularly lacking adequate representation from football, basketball, and minority athletes.[4]

- **Fact** - The NCAA's own conflict of interest policy codifies a hierarchy of loyalty that structurally prevents athlete representatives from independently advocating for athlete interests. The policy explicitly states that the fiduciary duty of all committee members—including athletes—is "first to their institution, second to their conference, and third to the Association."[5] This rule ensures that even the "athlete voice" in the room is legally and ethically bound to prioritize institutional interests over the collective interests of their fellow athletes. The distinction between merely having a voice to *discuss* something versus having the power to *bargain* for it is critical.

- **Fact** - The P4/NCAA have strategically used SAACs to create a false impression of athlete consensus for their legislative agenda. Letters from SAAC groups, often echoing P4/NCAA talking points verbatim, have been presented in congressional hearings as evidence of broad athlete support for institutional positions, including opposition to employee status and support for federal preemption. This co-opts the "athlete voice" and uses it as a tool of institutional lobbying.[6]

Myth #2: The NCAA governance model is a "representative democracy" where all stakeholders, including athletes, have an equitable voice.

- **Fact** - The NCAA's governance structure is dominated by a small group of institutional insiders who often serve on multiple key boards and committees simultaneously, creating significant conflicts of interest. The NCAA's

[4] Emmert, Mark. Interview by Bob Costas. *Real Sports with Bryant Gumbel*, HBO, September 2022.

[5] NCAA Conflict of Interest Policy (2023-2024); See NCAA Divisions I and II International Student Records Committee, 2023-2024 Policies and Procedures. (https://ncaaorg.s3.amazonaws.com/committees/ncaa/fgnstrec_interstrec/ISRC_PoliciesAndProcedures.pdf)

[6] See, e.g., Letter from Division I Student-Athlete Advisory Committee to Congressional Leaders, June 12, 2023 (advocating for federal preemption, antitrust safe harbor, and no-employee status). See also testimony of Rep. Jeff Duncan (R-SC) at the March 29, 2023, House Energy and Commerce Subcommittee hearing, where he introduced a letter from the ACC SAAC as evidence of athlete consensus.

conflict-of-interest policy (Bylaw 4.2.4) is frequently waived to allow powerful conference commissioners and athletic directors to serve on committees where they have a direct financial or competitive stake in the outcome.[7]

- Fact - The most consequential decisions in college sports are often made in secret by P4 leaders, completely outside the formal NCAA governance process. The December 2019 P5 secret meeting that launched the congressional campaign, the 2022 ACC memo outlining P5 legislative "Must Haves," and the 2024 formation of the SEC-Big Ten "Advisory Group" are prime examples of this "Star Chamber" decision-making, where no athletes, and often not even the full NCAA membership, have input.[8]

Myth #3: The congressional hearing process has provided an open and balanced forum for all athlete voices to be heard, informing lawmakers on their true needs and desires.

- **Fact** - The hearing process has been characterized by a systematic exclusion of the athletes who generate the most revenue and are most impacted by the economic rules being debated. Of the 79 total witness slots across 17 congressional hearings on these issues since 2020, only ONE current or recently graduated Power 4 football or men's/women's basketball player has testified.[9]

- **Fact** - The witness lists for these hearings have been overwhelmingly dominated by institutional leaders. 40 of the 79 witness slots (51%) have been occupied by NCAA presidents, conference commissioners, and university presidents or athletic directors, creating an echo chamber for institutional perspectives.[10]

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[7] NCAA Bylaw 4.2.4 provides for a conflict-of-interest policy but also contains broad waiver provisions that are frequently used.

[8] Wittry, Andy. "ACC memo: Power 5 reach consensus on what ACC calls 'must haves' with federal legislation," *On3*, February 28, 2023, (https://www.on3.com/news/acc-memo-power-5-reach-consensus-on-must-haves-with-federal-legislation-nil-congress/).

[9] Data compiled from public records of congressional hearings held between February 11, 2020, and June 12, 2025. Chase Griffin testified at the House Energy and Commerce Subcommittee hearing on January 18, 2024.

[10] Ibid.

- **Fact** - The "expert" testimony on athlete issues has largely come from institution-aligned academics or professionals. The hearings have featured a near-total absence of independent experts on labor law, sports economics, or Title IX who could provide a counter-narrative to the P4/NCAA's positions.

Myth #4: The most influential leaders in college sports are actively seeking out and listening to a diverse range of athlete voices to guide reform.

- **Fact** - NCAA President Charlie Baker claimed to have talked to over 1,000 athletes to form a "consensus" view that athletes do not want to be employees. However, his public examples centered on feedback from a Division II university (Augustana University), not from P4 football or basketball programs. His claims of consensus directly contradict the actions of athletes like the Dartmouth men's basketball players who voted to unionize.[11]

- **Fact** - When athletes have organized independently to have their voices heard on critical issues (such as the #WeAreUnited and #WeWantToPlay movements during COVID or the #NotNCAAProperty campaign during March Madness), they have often been met with resistance, deflection, or superficial engagement from institutional leaders, rather than being granted a genuine seat at the table.[12]

Conclusion:
The notion of a powerful and integrated "athlete voice" in the current college sports governance model is a myth. The system is designed to limit authentic, independent athlete representation and, in many cases, to co-opt the concept of "athlete voice" to serve institutional goals.

Any genuine federal reform must address this fundamental democratic deficit by creating mechanisms for true, independent, and collective athlete representation in all matters—economic, health and safety, and academic—that govern their lives.

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[11] Testimony of Charlie Baker, NCAA President, before the Senate Judiciary Committee, October 17, 2023.

[12] See, e.g., Drape, Joe. "College Football Players, Pushing for a Season, Find a Unified Voice." *The New York Times*, August 10, 2020. (https://www.nytimes.com/2020/08/10/sports/ncaafootball/college-football-players-union-season.html).

VI. A Comparative Analysis of Federal College Sports Legislation (2020-2025)

A. Introduction: Explaining the "American Values & Athlete Rights" Score

This document provides a comparative analysis of the 23 major federal legislative proposals concerning college sports introduced between 2020 and 2025. To provide a clear, accessible metric, each bill has been assigned an **"American Values & Athlete Rights Score"** on a scale of 0 to 100, where a **higher score indicates greater alignment with fundamental American principles and athlete rights.**

The score is also represented by a color-coded flag symbol:

- 🟢 **(Green Flag):** Score of 80-100. High alignment with athlete rights.
- 🟡 **(Yellow Flag):** Score of 40-79. A mixed or compromise bill with significant concessions to institutional interests.
- 🔴 **(Red Flag):** Score of 0-39. High alignment with P4/NCAA interests; hostile to athlete rights.

The score for each bill is calculated based on five equally weighted criteria, each worth up to 20 points:

- **Free Market Access / Antitrust:** Does the bill protect athletes' ability to challenge anticompetitive rules (higher score), or does it grant broad antitrust immunity to the NCAA/P4 (lower score)?
- **State & Federal Legal Protections / Preemption:** Does the bill create a "floor" of rights allowing states to offer more (higher score), or does it broadly preempt state laws on compensation and employment (lower score)?
- **Labor Rights / Employee Status:** Does the bill protect or grant pathways to employee status and collective bargaining (higher score), or does it impose a federal "no-employee" mandate (lower score)?
- **Athlete Voice & Representation / Regulatory Control:** Does the bill create a truly independent, athlete-centric governing body (higher score), or does it empower the existing NCAA/P4 structures (lower score)?
- **Athlete Health, Safety & Educational Benefits:** Does the bill provide robust, enforceable benefits with a private right of action for athletes (higher score), or are benefits minimal, illusory, or absent (lower score)?

Crucially, **no bill receives a perfect 100.** The highest possible score is a **90**. This is because the very act of proposing a federal legislative solution concedes the P4/NCAA's most critical threshold victory: the question of *whether* Congress should intervene at all, and instead accepts their framing that the only questions are *how* and *when*.

Because the entire congressional campaign was launched and proceeded under the assumption of "necessity" and the legitimacy of institutional interests and values, the scoring is, by definition, skewed towards protecting the P4 and NCAA. Bills that receive a high score must be evaluated within that critical limitation.

B. The Congressional Hearing Process: An Unlevel Playing Field (see Section III above)

C. Thematic Timeline and Analysis of Federal Legislation

We have broken down the legislative history since 2019 into four distinct phases. This structure is designed to show how the legislative debate has evolved in response to critical events, such as changes in political control of Congress and the White House, landmark court decisions like NCAA v. Alston, and the progression of the House v. NCAA settlement. By including the number of congressional hearings and legislative proposals within each phase, the timeline clearly illustrates how the P4/NCAA and their allies in Congress have strategically accelerated or adapted their campaign. This phase-based analysis reveals a clear pattern: a steady and increasing emphasis on protecting institutional regulatory and financial interests over athlete interests, culminating in the recent wave of legislation that seeks to grant the P4 and NCAA total regulatory supremacy.

Phase 1: The P4/NCAA Offensive – Setting the Congressional Agenda (February 2019 – Early 2021)

- **Political Landscape:** Republican White House, Republican Senate, Democratic House.
- **Congressional Hearings:** 4 hearings (all in the Senate).
- **Legislative Proposals:** 6 bills.

- ***Pace of Activity:*** *10 total events; a new bill or hearing* ***every ~7 weeks****.*
- **CONTEXT:** The P4/NCAA's campaign in Congress was a calculated, offensive strategy launched in 2019 in response to perceived external threats like California's SB 206 and Rep. Mark Walker's "Student-Athlete Equity Act." The campaign was meticulously planned through the NCAA's Federal and State Legislation Working Group (formed May 2019) and its secret Presidential Subcommittee on Congressional Action (formed Nov. 2019). This was solidified by a secret P5 conference strategy meeting in December 2019 that excluded the NCAA president but established the playbook for achieving their legislative goals. This culminated in the first congressional hearing in a Republican-controlled Senate (Feb. 2020) with a stacked 5-1 pro-NCAA witness panel that successfully framed the debate around institutional interests. By the time the NCAA's Working Group issued its Final Report in April 2020 recommending the "three asks" (preemption, antitrust immunity, no-employee status), their lobbying campaign was already in full swing with a clear agenda.

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1. **S. 4004 – "Fairness in Collegiate Athletics Act"**

- **Sponsor:** Sen. Marco Rubio (R-FL)
- **Date:** June 18, 2020
- **American Values & Athlete Rights Score: 20/100** 🔴
    - *Antitrust:* **0/20** (Grants broad immunity for rules unless they violate the Act).
    - *Preemption:* **10/20** (Broadly preempts state NIL laws but not employment status).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **0/20** (Empowers the NCAA as the primary regulator).
    - *Benefits:* **10/20** (Provides for NIL rights, but with significant restrictions and no other benefits).
- **Analysis:** This was the first “NIL” bill. Introduced soon after the first hearing, this bill from a key P4 state delivered on the P4/NCAA's core asks: broad preemption of state NIL laws, significant antitrust protection, and an explicit "no-employee" mandate. The day the bill was released, the NCAA lauded it on the NCAA website and in the media.

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2. H.R. 8382 / H.R. 2841 / H.R. 3630 – "Student Athlete Level Playing Field Act" (All Versions)

- **Sponsors:** Rep. Anthony Gonzalez (R-OH)/Cleaver (D-MO); Rep. Mike Carey (R-OH)/Landsman (D-OH)
- **Dates:** 2020, 2021, 2023
- **American Values & Athlete Rights Score: 50/100** 🟡
    - *Antitrust:* **10/20** (Limited safe harbor, not broad immunity).
    - *Preemption:* **10/20** (Preempts state NIL laws only).
    - *Labor Rights:* **10/20** (Neutrality clause; does not mandate no-employee status).
    - *Athlete Voice:* **10/20** (Creates a new commission with some athlete advocates, but also institutional reps).
    - *Benefits:* **10/20** (Provides for NIL rights, but few other benefits).
- **Analysis:** A bipartisan effort that was less aggressive than the Rubio bill. However, by establishing a federal commission heavy with institutional representatives, preempting state NIL laws, and creating a limited antitrust safe harbor, it significantly advanced the P4/NCAA's core goal of federalizing and controlling the college sports landscape.

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3. S. 5003 – "Collegiate Athlete Compensation Rights Act"

- **Sponsor:** Sen. Roger Wicker (R-MS)
- **Date:** Dec. 10, 2020
- **American Values & Athlete Rights Score: 20/100** 🔴
    - *Antitrust:* **0/20** (Very broad immunity).
    - *Preemption:* **0/20** (Very broad preemption, including employment status).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **10/20** (Creates a new FTC office, not direct NCAA control).
    - *Benefits:* **10/20** (Basic NIL rights with restrictions).
- **Analysis:** This was an expansive P4/NCAA-friendly bill, seeking to eliminate nearly all external regulatory threats with very broad preemption (including employment status), significant antitrust immunity, and an explicit "no-employee" mandate. Introduced by then Senate Commerce Committee Chair Wicker, it served as a template for the most regressive anti-athlete bills that would follow.

4. S. 5062 – "College Athletes Bill of Rights" (Original Version)

- **Sponsors:** Sen. Cory Booker (D-NJ), Sen. Richard Blumenthal (D-CT)
- **Date:** Dec. 17, 2020
- **American Values & Athlete Rights Score: 90/100** 🟢
    - *Antitrust:* **20/20** (No immunity).
    - *Preemption:* **20/20** (No broad preemption).
    - *Labor Rights:* **10/20** (Protects right to organize but does not mandate employee status).
    - *Athlete Voice:* **20/20** (Creates independent commission explicitly banning P4/NCAA insiders).
    - *Benefits:* **20/20** (Includes revenue sharing and robust health/safety standards with a private right of action).
- **Analysis:** This bill was a high-water mark for pro-athlete legislation. However, it was a defensive/responsive bill that presumed the legitimacy of congressional intervention.

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5. S. 414 – "Amateur Athletes Protection and Compensation Act"

- **Sponsor:** Sen. Jerry Moran (R-KS)
- **Date:** Feb. 24, 2021
- **American Values & Athlete Rights Score: 10/100** 🔴
    - *Antitrust:* **0/20** (Very broad "Limitation of Liability").
    - *Preemption:* **0/20** (Very broad, including employment status).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **0/20** (Creates a federal corporation with P4/NCAA insiders and grants NCAA subpoena power).
    - *Benefits:* **10/20** (Illusory benefits that largely already existed for P5 schools).
- **Analysis:** A highly sophisticated P4/NCAA-favored bill disguised as a "compromise." It delivered preemption, antitrust immunity, and non-employee status in expansive terms and proposed a federal corporation run by P4/NCAA insiders. This bill's structure became a key template for future institution-friendly "compromise" bills.

6. S. 1929 – "College Athlete Right to Organize Act"

- **Sponsors:** Sen. Chris Murphy (D-CT), Sen. Bernie Sanders (I-VT)
- **Date:** May 27, 2021
- **American Values & Athlete Rights Score: 90/100** 🟢
  - *Antitrust:* **20/20** (No immunity).
  - *Preemption:* **20/20** (No preemption of state labor laws; instead strengthens federal labor law).
  - *Labor Rights:* **10/20** (Explicitly grants employee status under the NLRA but does not create a private right of action).
  - *Athlete Voice:* **20/20** (Enables full collective bargaining rights).
  - *Benefits:* **20/20** (Establishes a framework for athletes to bargain for all benefits).
- **Analysis:** The most direct pro-labor bill. It granted none of the P4/NCAA's key "asks" and instead explicitly sought to amend the NLRA to grant athletes employee status and collective bargaining rights.

Phase 2: Legislative Stagnation & Strategic Adaptation (Mid-2021 – Early 2023)

- **Political Landscape:** Democratic White House, Democratic Senate (power sharing agreement), Democratic House.
- **Congressional Hearing Activity:** 3 hearings.
- **Legislative Proposals:** 5 bills.
- ***Pace of Activity:*** *8 total events; a new bill or hearing* ***every ~2.5 months****.*
- **CONTEXT:** After losing the *Alston* case at the Supreme Court (June 2021) and failing to secure a last-minute preemption bill, the NCAA adopted its "Interim NIL Policy." In this new environment of a unified Democratic government, the legislative debate largely stagnated, revealing a significant motivation gap. Democrats did not seize the opportunity to hold hearings reframing the debate around the "whether" of federal intervention and remained largely on defense, accepting the NCAA/P5 initial framing. The most significant pro-athlete bill (Booker/Blumenthal) was reintroduced with its key revenue-sharing component removed. In contrast, anticipating the 2022 midterms, Republican Senator Roger Wicker introduced an aggressive bill to jumpstart the P4/NCAA's congressional campaign, escalating the P4/NCAA's "asks" to include retroactive antitrust immunity for name, image and likeness suits to neutralize the emerging *House v. NCAA* case.

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7. S. 238 / H.R. 4948 – "College Athlete Economic Freedom Act" (All Versions)

- **Sponsors:** Sen. Chris Murphy (D-CT) / Rep. Lori Trahan (D-MA)
- **Dates:** Feb/Mar 2021 & Rereleased July 26, 2023
- **American Values & Athlete Rights Score: 80/100** 🟢
  - *Antitrust:* **20/20** (*per se* violation clause strengthens athlete leverage).
  - *Preemption:* **10/20** (Narrow NIL preemption).
  - *Labor Rights:* **20/20** (Protects collective representation for NIL).
  - *Athlete Voice:* **10/20** (Empowers athletes in the market but creates no governing body).
  - *Benefits:* **20/20** (Strong NIL rights).
- **Analysis:** A strong athlete-rights bill focused on NIL. Instead of granting antitrust immunity, it uniquely stated that a violation of the Act would be a *per se* antitrust violation.

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8. H.R. 3379 – "Modernizing the Collegiate Student Athlete Experience Act"

- **Sponsor:** Rep. Steve Chabot (R-OH)
- **Date:** May 20, 2021
- **American Values & Athlete Rights Score: 20/100** 🔴
  - *Antitrust:* **0/20** (Broad "Limitation of Liability").
  - *Preemption:* **0/20** (Broad preemption, including employment status).
  - *Labor Rights:* **0/20** (Explicit no-employee mandate).
  - *Athlete Voice:* **10/20** (Creates a new commission with P4/NCAA insider influence).
  - *Benefits:* **10/20** (Basic NIL rights with restrictions).
- **Analysis:** Effectively the House version of the Moran bill (S. 414), containing expansive preemption, antitrust immunity, and non-employee status, and proposing an institution-dominated "National Intercollegiate Compensation Corporation."

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9. H.R. 5817 / S. 3943 – "NCAA Accountability Act" (all versions)

- **Sponsors:** Rep. Kustoff (R-TN) / Sen. Blackburn (R-TN), Sen. Booker (D-NJ)
- **Date:** Nov 2021 / Mar 2022
- **American Values & Athlete Rights Score: 90/100** 🟢
    - *Antitrust:* **20/20** (No immunity).
    - *Preemption:* **20/20** (No preemption).
    - *Labor Rights:* **20/20** (No effect on labor rights).
    - *Athlete Voice:* **10/20** (protected by athlete-centric focus and DOJ oversight/ enforcement).
    - *Benefits:* **20/20** (Provides due process benefits).
- **Analysis:** This bipartisan bill focused solely on reforming the NCAA's flawed infractions process with DOJ oversight. It did not contain any of the P4/NCAA's "three asks," and strongly promoted athlete due process rights.

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10. **S. 4724 – "College Athletes Bill of Rights"** **(Rerelease)**

- **Sponsors:** Sen. Booker (D-NJ), Sen. Blumenthal (D-CT)
- **Date:** Aug. 2, 2022
- **American Values & Athlete Rights Score: 60/100** 🟡
    - *Antitrust:* **20/20** (No immunity).
    - *Preemption:* **10/20** (Limited NIL preemption).
    - *Labor Rights:* **10/20** (Neutrality clause).
    - *Athlete Voice:* **10/20** (Independent commission, but with reduced economic leverage for athletes).
    - *Benefits:* **10/20** (Health/safety benefits, but revenue sharing was removed).
- **Analysis:** A significant strategic retreat from the original version. The **revenue-sharing provision was removed**, eliminating the bill's core civil rights-oriented economic component. This concession moved the bill closer to an institutional center of gravity.

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11. **S. 4855 – "Collegiate Athlete Compensation Rights Act"** **(Rerelease)**

- **Sponsor:** Sen. Roger Wicker (R-MS)
- **Date:** Sept. 14, 2022
- **American Values & Athlete Rights Score: 10/100** 🔴

    - *Antitrust:* **0/20** (Very broad + **retroactive** immunity on NIL suits).
    - *Preemption:* **0/20** (Very broad, including employment status).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **0/20** (Empowers FTC, but with P4/NCAA-friendly rules).
    - *Benefits:* **10/20** (Basic NIL rights with restrictions).
- **Analysis:** This bill escalated the P4/NCAA "asks" by introducing **retroactive** antitrust immunity, a clear attempt to legislatively neutralize the ongoing *House v. NCAA* lawsuit.

Phase 3: The House *Settlement Influence & Legislative Convergence (Mid-2023 - June 2024)*

- **Political Landscape:** Democratic White House, Democratic Senate, Republican House.
- **Congressional Hearing Activity:** 6 hearings.
- **Legislative Proposals:** 8 bills.
- ***Pace of Activity:*** *14 total events; a new bill or hearing* ***every ~3.5 weeks****.*
- **CONTEXT:** After the 2022 midterms created a split Congress, formal settlement discussions in *House v. NCAA* began in November 2022. The subsequent legislative proposals begin to reflect this new reality. As a settlement becomes more likely, a flurry of P4/NCAA-friendly bills are introduced, and "compromise" proposals increasingly adopt P4/NCAA positions, pulling the legislative debate further away from athlete interests. The P4/NCAA's campaign in the new Republican-controlled House intensifies.

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12. S. 1632 – "College Sports NIL Clearinghouse Act of 2023"

- **Sponsor:** Sen. Lindsey Graham (R-SC)
- **Date:** May 19, 2023
- **American Values & Athlete Rights Score: 40/100** 🟡
    - *Antitrust:* **0/20** (Grants immunity to the new clearinghouse).
    - *Preemption:* **20/20** (No broad preemption mentioned).
    - *Labor Rights:* **20/20** (Does not address employee status).

    - *Athlete Voice:* **0/20** (Clearinghouse run by institutions, no athlete voice).
    - *Benefits:* **0/20** (No direct benefits, only regulation).
- **Analysis:** The first bill introduced after *House* talks began. It proposed a permissive, institution-run NIL clearinghouse and granted that entity an antitrust exemption.

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13. H.R. Discussion Draft – "FAIR College Sports Act" (Draft 1)

- **Sponsor:** Rep. Gus Bilirakis (R-FL)
- **Date:** May 24, 2023
- **American Values & Athlete Rights Score: 60/100** 🟡
    - *Antitrust:* **10/20** (Limited safe harbor).
    - *Preemption:* **10/20** (NIL preemption).
    - *Labor Rights:* **20/20** (No "no-employee" mandate in this version).
    - *Athlete Voice:* **10/20** (Creates USIAC with some athlete reps.).
    - *Benefits:* **10/20** (Basic NIL rights with restrictions).
- **Analysis:** This first draft proposed the new "USIAC" body and NIL preemption but initially lacked broader immunity and a no-employee mandate, showing a more moderate starting point in the House.

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14. S. Discussion Draft – "College Athletes Protection and Compensation Act" (CAPCA)

- **Sponsors:** Sen. Booker (D-NJ), Sen. Blumenthal (D-CT), Sen. Moran (R-KS)
- **Date:** July 20, 2023
- **American Values & Athlete Rights Score: 40/100** 🟡
    - *Antitrust:* **0/20** (Retroactive antitrust immunity).
    - *Preemption:* **10/20** (Broad NIL/transfer/benefit preemption).
    - *Labor Rights:* **10/20** (Neutrality clause).
    - *Athlete Voice:* **0/20** (P4/NCAA insider board with NCAA subpoena power).
    - *Benefits:* **20/20** (Includes health/safety and educational benefits).

- **Analysis:** A pivotal "compromise" that abandoned many key athlete protections from the original "Athletes Bill of Rights" and adopted P4-favored governance and retroactive antitrust immunity.

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15. S. Discussion Draft (Untitled)

- **Sponsor:** Sen. Ted Cruz (R-TX)
- **Date:** July 2023
- **American Values & Athlete Rights Score: 0/100** 🔴
  - *Antitrust:* **0/20** (Sweeping immunity).
  - *Preemption:* **0/20** (Very broad, including employment status).
  - *Labor Rights:* **0/20** (Explicit no-employee mandate).
  - *Athlete Voice:* **0/20** (Empowers NCAA/conferences directly).
  - *Benefits:* **0/20** (No benefits, only restrictions).
- **Analysis:** The most direct P4/NCAA-favorable proposal, granting expansive versions of preemption, antitrust immunity, and non-employee status. The bill directly empowers existing NCAA/conference structures. It sets the bar for a total institutional victory.

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16. S. 2495 – "Protecting Athletes, Schools, and Sports Act of 2023" ("PASS Act")

- **Sponsors:** Sen. Tommy Tuberville (R-AL), Sen. Joe Manchin (D-WV)
- **Date:** July 25, 2023
- **American Values & Athlete Rights Score: 25/100** 🔴
  - *Antitrust:* **0/20** (Broad safe harbor).
  - *Preemption:* **10/20** (Broad, includes revenue sharing).
  - *Labor Rights:* **10/20** (Neutrality clause).
  - *Athlete Voice:* **0/20** (Empowers NCAA directly).
  - *Benefits:* **5/20** (Illusory benefits, restricts transfers).
- **Analysis:** Explicitly designates the NCAA as the primary regulator for many NIL aspects and includes stringent federal transfer rules, broad preemption, and broad antitrust protection.

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17. H.R. Discussion Draft – "FAIR College Sports Act" (Draft 2)

- **Sponsor:** Rep. Gus Bilirakis (R-FL)
- **Date:** Jan. 8, 2024
- **American Values & Athlete Rights Score: 20/100** 🔴
    - *Antitrust:* **0/20** (Broad immunity for compliant actions).
    - *Preemption:* **10/20** (Broad NIL preemption).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **0/20** (Creates USIAC with NCAA President on board).
    - *Benefits:* **10/20** (Basic NIL rights).
- **Analysis:** This rerelease became much more restrictive, now explicitly including preemption, antitrust immunity, and non-employee status. The bill also adds the NCAA President to the USIAC board.

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18. H.R. ---- "Protect the Benefits for Athletes and Limit Liability Act of 2024" ("Protect the BALL Act")

- **Sponsors:** Rep. Russell Fry (R-SC), Rep. Barry Moore (R-AL)
- **Date:** May 8, 2024
- **American Values & Athlete Rights Score: 0/100** 🔴
    - *Antitrust:* **0/20** (Sweeping immunity).
    - *Preemption:* **0/20** (Not addressed).
    - *Labor Rights:* **0/20** (Not addressed).
    - *Athlete Voice:* **0/20** (Not addressed).
    - *Benefits:* **0/20** (No benefits).
- **Analysis:** A single-issue power grab. Introduced just after the *House* settlement was publicly announced, this bill provides sweeping immunity for rules on compensation and eligibility. It offers no athlete benefits and is open hostile to athletes' access to legal recourse.

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19. H.R. 8534 – "Protecting Student Athletes' Economic Freedom Act"

- **Sponsor:** Rep. Bob Good (R-VA)
- **Date:** May 23, 2024
- **American Values & Athlete Rights Score: 0/100** 🔴
    - *Antitrust:* **0/20** (Not addressed).
    - *Preemption:* **0/20** (Not addressed).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).

    - *Athlete Voice:* **0/20** (Not addressed).
    - *Benefits:* **0/20** (No benefits).
- **Analysis:** Another single-issue power grab. The bill is laser-focused on imposing a federal no-employee mandate that also has preemptive effect. Its sole purpose is to strip athletes of existing and potential labor rights without any pretense of creating a broader framework.

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20. H.R. 8534 - Markup Hearing

- **Committee:** House Education & Workforce
- **Date:** June 13, 2024
- **American Values & Athlete Rights Score: 0/100** 🔴
- **Analysis:** The committee's vote to advance the Good "no-employee" bill signaled strong Republican support for this core P4/NCAA objective even before the election solidified their power, underscoring the extreme alignment with institutional goals. The bill moved out of committee (the first to do so) on a strict party-line vote.

Phase 4: A Unified Republican Federal Government and the Post-Settlement Endgame (Jan 2025 – Present)

- **Political Landscape:** Republican White House, Republican Senate, Republican House.
- **Congressional Hearing Activity:** 4 hearings (all in the House).
- **Legislative Proposals:** 4 bills.
- ***Pace of Activity:*** *8 total events; a new bill or hearing* ***every ~6 weeks****.*
- **CONTEXT:** After the **2024 elections resulted in a unified Republican government**, the political stars have aligned perfectly for the P4/NCAA. With the *House v. NCAA* settlement receiving final court approval in June 2025, the P4/NCAA use it as the as a primary justification for a federal law that achieves their long-standing objectives, framing it as necessary to "codify" and “implement” the settlement. The SCORE Act is the culmination of the P4/NCAA’s five-year congressional campaign and represents near complete victory.

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21. H.R. ---- "College SPORTS Act"

- **Sponsors:** Rep. Lisa McClain (R-MI), Rep. Janelle Bynum (D-OR)
- **Date:** June 10, 2025
- **American Values & Athlete Rights Score: 15/100** 🔴
    - *Antitrust:* **10/20** (Limited safe harbor).
    - *Preemption:* **0/20** (Broad preemption).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **0/20** (Empowers NCAA/conferences directly).
    - *Benefits:* **5/20** (Illusory benefits).
- **Analysis:** A comprehensive "bipartisan" bill that nonetheless delivers the core P4/NCAA objectives, including broad preemption and a strong no-employee mandate. It contains a limited antitrust "safe harbor", making it slightly less aggressive than the SCORE Act.

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22. S. 2147 "Collegiate Sports Integrity Act"

- **Sponsor:** Sen. Rand Paul (R-KY)
- **Date:** June 24, 2025
- **American Values & Athlete Rights Score: 0/100** 🔴
- **Analysis:** The single-issue power grab. The purest form of an antitrust immunity bill, its sole purpose is to exempt the NCAA and conferences from *all* antitrust laws, giving them unchecked power over their economic rules.

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23. H.R. ---- "SCORE Act" (Discussion Draft)

- **Sponsor:** Rep. Gus Bilirakis (R-FL)
- **Date:** June 26, 2025
- **American Values & Athlete Rights Score: 5/100** 🔴
    - *Antitrust:* **0/20** (Very broad immunity).
    - *Preemption:* **0/20** (Extremely broad preemption).
    - *Labor Rights:* **0/20** (Explicit no-employee mandate).
    - *Athlete Voice:* **0/20** (Empowers NCAA/P4 directly).
    - *Benefits:* **5/20** (Illusory benefits).
- **Analysis:** The SCORE Act represents the culmination of the P4/NCAA's campaign. It abandons any pretext of an independent commission and

directly empowers the NCAA/P4 conferences. It grants the most expansive versions of preemption, antitrust immunity, and the "no-employee" mandate, using the *House* settlement as the final piece of political cover.

D. Grand Totals (February 2020 - Present)

- **Total Bills Analyzed:** 23
- **Total Congressional Hearings:** 17 (4 in Phase 1; 3 in Phase 2; 6 in Phase 3; 4 in Phase 4)
- **Overall P4/NCAA Witness Ratio (across all 17 hearings):** 57 to 22 (a greater than 2.5-to-1 advantage for institutional interests).
- **Average American Values & Athlete Rights Score (across all 23 bills):** Approximately **32 / 100**, demonstrating a consistent and strong legislative tilt towards institutional interests over the entire period.

VII. Case Study: The "Illusory Benefits" Trade-Off

A central argument from proponents of federal legislation is that “new benefits" for athletes, such as post-eligibility health care and degree completion aid, justify the extraordinary and unprecedented legal immunities (preemption, antitrust immunity, and non-employee status) sought by the Power 4 (P4) and NCAA.

This creates the impression of a fair exchange: athletes receive valuable “new” protections, and in return, institutions receive the "stability" needed to provide them. This is a false narrative.

As a threshold matter, these benefits are not “new.” Many Power 5 schools have had in place both post-eligibility medical and degree completion programs since 2015 under the authority granted them through the Autonomy classification and legislation enacted that year.

To assess the true value of these benefits, we submitted public records requests in 2024 to dozens of Power 4 institutions seeking data on their utilization and cost since they were first permitted in 2015.[13]

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[13] The requests were framed as follows:
“I am requesting:

1. Documents that constitute or describe any post-eligibility degree completion program available to former varsity athletes.
2. Documents that contain information on the total number of former athletes who have utilized a post-eligibility degree completion program since 2015.
3. Documents that contain information on the amount of money spent on former athletes who have utilized a post-eligibility degree completion program since 2015.
4. Documents that constitute or describe any post-eligibility medical care program available to former varsity athletes.
5. Documents that contain information on the total number of former athletes who have utilized a post-eligibility medical care program since 2015.
6. Documents that contain information on the amount of money spent on former athletes who have utilized a post-eligibility medical care program since 2015.

Please provide by email, not hard copy.

If there are any fees related to this request, please inform me if the cost will exceed $0.

However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. My request is related to news gathering purposes. This information is not being sought for commercial purposes.

We received data from the following eight P4 schools: Louisiana State University (SEC), University of Mississippi (SEC), University of Kansas (Big 12), University of Maryland (Big Ten), Florida State University (ACC), Ohio State University (Big Ten), West Virginia University (Big 12), and Clemson University (ACC).

We acknowledge certain limitations of this data. The sample size is small, and differing data compilation methods make direct, apples-to-apples comparisons difficult. However, the consistency of the findings suggests a reliable pattern.

While limited, the data paints a stark picture demanding further inquiry.

For post-eligibility medical benefits, our findings align with sworn testimony from former Clemson AD Dan Radakovich, suggesting very low utilization. In follow-up questions after he testified at the July 22, 2020, hearing in the Senate Judiciary Committee titled ___, Mr. Radakovich said that he was not aware of a **single instance** in which a former Clemson athlete had requested medical care or coverage within the post-eligibility window (2 years under Clemson's program).

We did not receive *any* usage and cost data on post-eligibility medical benefits from *any* of the schools.

For degree completion programs, we received data in varying forms on both usage and cost. The data suggest very low utilization and cost across the board.

The following summary chart on degree completion programs illustrates the minimal institutional investment. This summary is drawn from a more detailed Excel document. [14] The underlying raw data is available upon request.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law."

[14] Excel Sheet

School	Avg # Athletes Using Benefit per Year (9 Yrs)	Total 9-Year Program Cost	9-Year Program Cost as % of One-Year Head Football Coach Salary (2023)
LSU	**5.7**	**$566,047**	**5.7%**
Mississippi	**10.8**	**$921,500**	**10.2%**
Kansas	**12.1**	**$393,658**	**5.2%**
Maryland	**9.3**	**$1,050,298**	**18.1%**
Florida State	**10.1**	**$3,671,620**	**36.7%**
Ohio State	**28.1**	**$1,979,352**	**19.8%**
West Virginia	**6.8**	**$260,917**	**6.5%**
Clemson	**22.8**	**$2,358,235**	**21.2%**
TOTALS/AVGS	**~13 athletes per school/yr.**	**$11,201,627 (Total)**	**The total 9-year cost for all 8 schools *combined* is equivalent to *single-year salary* of a head football coach.**

Our data from shows that, on average, **approximately 12 former athletes per school per year** utilized the degree completion benefit over a nine-year period (2015-2024).

The **combined** total cost for these eight powerhouse athletic departments over the entire nine-year period was approximately **$11.2 million**.

To put this in perspective, the **$11.2 million** spent on degree completion for **951 athletes over 9 years** is equivalent to the **single-year salary three of the head football coaches** in our sample (Ryan Day [Ohio State], Dabo Swinney [Clemson], and Mike Norvell [FSU]). And the entire 9-year degree completion program cost for all eight schools combined is a tiny fraction of what those schools spend on coaching compensation for all football coaches (including assistants and strength/conditioning) in a single year.

The low utilization relative to the thousands of athletes who leave without a degree each year could be a result of restrictive eligibility criteria. Many programs require athletes to have completed multiple years of study, not to have transferred, and to re-apply for admission. Crucially, most programs are **tuition-only**, failing to cover living expenses, which is a significant deterrent for athletes from modest economic

backgrounds. In short, coverage criteria for these programs read like a bad insurance policy that is more exclusion than coverage.

Importantly, even if these benefits were widely used, they would still be an inadequate trade-off for the loss of fundamental American rights.

There is no moral or legal calculus in which offering a chance to finish a degree or receiving medical care for injuries sustained while competing for a school can be equated with the permanent surrender of fundamental American rights. This is not a "compromise," it is a lopsided capitulation.

Congress must reject this false choice and recognize that no amount of illusory benefits can justify the elimination of fundamental American rights.

At a minimum, this data should compel Congress to pause and use its oversight authority to demand comprehensive, standardized data from all P4 institutions before accepting these programs as a fair trade for preemption, antitrust immunity, and a no-employee provision.

VIII. Analysis of the "SCORE Act"

This memorandum provides a comprehensive analysis of the revised SCORE Act discussion draft circulated on July 1, 2025. It offers an overall assessment of the bill's alignment with athlete rights, examines the substantive disconnect between the bill's provisions and the scope of the *House v. NCAA* settlement it purports to "codify," and analyzes the strategic implications of recent revisions to the draft.

Our analysis concludes that the SCORE Act's most consequential provisions—namely its broad grant of antitrust immunity, its federal preemption of state law, its prohibition of athlete employee status, and its direct empowerment of existing athletic associations as federal regulators—do not align with the specific legal issues resolved in the *House* settlement. Instead, these provisions represent the legislative fulfillment of the NCAA and Power 4 (P4) conferences' long-standing policy objectives, using the settlement as a justification for their enactment.

A. Overall Analysis of the Revised SCORE Act

The SCORE Act, in its final form, is a comprehensive legislative proposal that would fundamentally restructure the legal and regulatory framework of college sports in favor of institutional stakeholders. While it provides a framework for the compensation models outlined in the *House* settlement, it simultaneously erects significant legal shields for the NCAA and P4 conferences and imposes permanent limitations on the legal and economic rights of college athletes.

- **American Values & Athlete Rights Score: 5/100** 🔴
- **Analysis:** Based on our rubric, the bill scores exceptionally low due to its sweeping grant of antitrust immunity (0/20), its broad preemption of state law (0/20), its explicit denial of employee status to athletes (0/20), its direct empowerment of the NCAA/P4 as federal regulators (0/20), and its inclusion of benefits that are largely illusory when weighed against the rights being extinguished (5/20).

B. Misalignment Analysis: SCORE Act Provisions vs. *House v. NCAA* Settlement

A central justification for the SCORE Act is that it is necessary to "implement" or "codify" the *House v. NCAA* settlement. However, a comparative analysis shows that the SCORE'S most significant provisions address matters entirely outside the scope of the settlement and the underlying compensation-based antitrust cases.

1. The "No-Employee" Mandate (Section 8)

- **Settlement Scope:** The *House* litigation was exclusively an **antitrust matter**, concerning the legality of the NCAA's rules restricting athlete compensation. The case did not adjudicate the employment status of athletes under the National Labor Relations Act (NLRA) or Fair Labor Standards Act (FLSA).
- **SCORE Act Scope:** Section 8 of the bill imposes a federal prohibition on athletes being considered employees. This provision has **no direct legal nexus to the settlement's terms** and addresses a separate body of federal and state labor law. Its inclusion appears to be an attempt to leverage the settlement to achieve a long-standing, but unrelated, policy goal of the NCAA and P4.

2. Sweeping Federal Preemption of State Laws (Section 10)

- **Settlement Scope:** The *House* settlement is a contractual agreement that creates a national standard for the *parties to the agreement*. It does not, by its own terms, nullify state law.
- **SCORE Act Scope:** Section 10 of the bill proposes to broadly preempt any state law governing not just NIL, but also **athlete employment status**, benefits, and eligibility. This expansive preemption, particularly regarding employment law, is extraneous to the antitrust issues resolved in the settlement.

3. Regulation of the Athlete Transfer Market (Section 6(6))

- **Settlement Scope:** The settled claims in *House*, *Hubbard*, and *Carter* did not concern the legality of NCAA transfer rules.
- **SCORE Act Scope:** The bill explicitly grants the NCAA/P4 the authority to "establish and enforce rules" for athlete transfers. This represents a significant expansion of federally sanctioned power into an area not addressed by the settlement it purports to codify.

4. Expansive, Forward-Looking Antitrust Immunity (Section 7)

- **Settlement Scope:** The *House* settlement provides the P4/NCAA with **settlement-based immunity** via legal releases from the plaintiff class for past and related future claims. The NCAA and P4 also sought to have the Court grant prospective legitimacy to their future rules via Article 4, Section 2 of the agreement.
- **The Court's Explicit Limitation:** Judge Wilken's **Final Approval Order dated June 6, 2025**, pointedly refused to grant this prospective immunity.

The Order states unambiguously: **"...nor shall it [this Order] be construed as an approval, endorsement, or sanction of the legality, under the antitrust laws or any other laws, of the future conduct contemplated by the Settlement Agreement.** The Court's role is to determine whether the Settlement is fair, reasonable, and adequate to the Class Members...and the Court makes no findings or rulings beyond that determination."

- **SCORE Act Scope:** Section 7 grants the sweeping prospective immunity that the judiciary explicitly withheld. It provides a blanket antitrust exemption for **any future rules** on compensation caps, recruiting, and transfers. This is not a "codification" of the settlement; it is a legislative reversal of the Court's deliberate restraint and an attempt to secure protections the P4/NCAA failed to win in court.

C. Analysis of SCORE Revisions from Prior Draft

The specific revisions made to the SCORE Act (as shown in the July 1 redline version) further illustrate the bill's primary intent to consolidate institutional control and expand legal immunities.

- **Expansion of Antitrust Immunity:** The most critical revision explicitly expands the antitrust shield to cover rules related to **"the eligibility of student athletes...including any rules or bylaws setting limitations on compensation...or other benefits"** and rules concerning **"recruiting, promotion, and transfers."** This revision directly addresses the legal vulnerabilities at the heart of nearly *all* recent litigation against the NCAA, moving far beyond the scope of the *House* settlement's terms.
- **Broadening the Definition of "Associated Entity":** By widening the definition of a booster/collective, the bill enhances the regulatory power of the NCAA/P4 to control third-party market participants.
- **Codifying P4/NCAA as Federal Regulators:** The revised language strengthens the authority of existing "Interstate Intercollegiate Athletic Associations" (the NCAA and P4 conferences) to set binding national rules, **cementing their status as federally sanctioned regulators** and **abandoning any model of independent oversight.**

D. Conclusion & Policy Implications

The SCORE Act uses the *House v. NCAA* settlement as a political vehicle to achieve a legislative agenda that is vastly broader than the settlement itself. Its core provisions—a no-employee mandate, sweeping preemption, transfer market regulation, and a forward-looking antitrust exemption—are not necessary to "implement" the settlement. Rather, they are designed to insulate the P4/NCAA's new economic model from the accountability of existing federal and state antitrust and labor laws.

From a policy perspective, the bill raises significant concerns. It proposes to grant extraordinary legal protections to a set of private entities with a documented history of antitrust violations and regulatory failures. It would also create a special, disadvantaged class of American citizens (college athletes) by legislatively stripping them of fundamental rights available to others.

How would supporters of this bill answer this question: “Can you identify—in the post-civil rights era—any other class of American citizens who have been surgically targeted for the wholesale elimination of their rights under America’s foundational free competition and labor laws, as well as state laws?”

We urge the Committee to scrutinize the profound misalignment between this bill's provisions and the settlement it claims to codify, and to consider the long-term consequences of granting such unprecedented power and immunity to the governing bodies of college sports.

IX. Proposed Legislative Amendments: A Framework for Transparency and Accountability

A. Introduction: The Price of Unprecedented Federal Protection

The recommendations in his section assume the dangerous but increasingly likely premise that Congress will pass legislation, such as the "SCORE Act" or a similar bill, that grants the NCAA and Power 4 (P4) conferences unprecedented federal protections, including broad antitrust immunity, preemption of state law, and a denial of employee status for college athletes.

If Congress chooses to provide such extraordinary legal immunities and regulatory authority to this set of private, non-profit entities, it is our firm belief that it has a corresponding duty to impose equally unprecedented standards of transparency, accountability, and due process upon them.

The American public and the athletes whose labor fuels this multi-billion-dollar industry have a right to demand meaningful oversight as a condition of federal intervention. We propose the following measures be considered as essential amendments to any federal college sports legislation. In addition, we offer recommendations on limiting the scope of preemption, antitrust immunity, and non-employee status.

B. Mandating Public Transparency: Applying Open Records and Open Meetings Laws

The NCAA, its conferences, and their related entities have long operated in secrecy, shielding their financial and governance decisions from public scrutiny. The new College Sports Commission (CSC), as a private entity, and the use of third-party clearinghouses like Deloitte for NIL regulation (“NIL Go”), threaten to continue this patern. This is unacceptable for an industry receiving special protection from federal law.

- **Recommendation:** Any federal bill must include a provision that explicitly makes the **NCAA, all P4 conferences, the new College Sports Commission (CSC), and any private entity or foundation spun off from a public university to manage athlete compensation (such as an athletics foundation or NIL collective)** subject to federal public records laws, specifically the Freedom of Information Act (FOIA).

- **Recommendation:** The bill must also mandate that all governance and infractions-related meetings of these entities be subject to federal **Open Meeting Requirements**, preventing the "secret backroom" decision-making that has defined college sports governance for decades.

- **Justification:** If these entities are to benefit from federal law that grants them quasi-governmental regulatory power and immunizes them from other foundational laws, they must be subject to the same standards of public transparency as federal agencies. This would allow for independent scrutiny of contracts, internal communications related to rule-making, and financial records.

C. Mandating Financial Accountability: Independent, Forensic Financial and Operational Audits

For years, the NCAA and P4 have asked Congress to legislate based on financial narratives provided without access to independently verified data. The claim that most athletic departments "lose money" is based on opaque accounting practices and have been challenged by independent economists. A key question orbiting around the legislative debate is whether there is enough money in the system to equitably accommodate the varying stakeholder's interests. Congress should require answers to that fundamental question.

- **Recommendation:** Any federal bill should mandate an initial, comprehensive **forensic financial and operational audit** of the NCAA national office, all P4 conferences, and a randomly selected cohort of at least 20 P4 institutions. The auditors should be selected by an independent body (such as the Government Accountability Office) and report their findings publicly to Congress.

- **Justification:** This is essential to uncover the true financial state of college sports.

- The audit should include, but not be limited to:
    - The flow of revenue from NCAA, conference, and school media rights deal, including the College Football Playoff.
    - The labyrinth of licensing and sublicensing deals that are baked into the college sports ecosystem.
    - Athletic department spending.

- The amount of “dead money” (coaching buy-out funds) in the system.
- The true costs and sources of funding for **lobbying and public relations campaigns** at the NCAA, conferences, and school-level.
- NCAA and P4 legal expenses.
- The justification for **excessive NCAA and conference executive salaries** and **golden parachute** agreements.
- The use of segregated funds, such as the NCAA's "1910 Collective" captive insurance fund.
- Money from “boosters” and other donors.
- Money from private equity and venture capital.
- Money from any entities in the sports gambling space, including data acquisition deals.

D. Protecting Athlete Labor Rights and Future Economic Interests

Even if a "no-employee" mandate is included in a final bill, Congress must include provisions that protect athletes' ability to organize and prepare for future economic realities that the settlement does not address.

- **Recommendation:** The bill must contain language that explicitly preserves the right of athletes to **organize collectively** for purposes other than collective bargaining under the NLRA (e.g., forming associations to advocate for health and safety, academic rights, etc.). Any federal law must not be so broad as to chill all forms of athlete self-advocacy.

- **Recommendation:** The bill must establish an **independent task force**, with a majority of current and former athletes, to study and make recommendations to Congress on how revenue from **new income streams**—such as athlete data monetization, sports betting data deals (like the NCAA's contract with Genius Sports), and new AI-driven fan engagement platforms—should be shared with athletes whose data and likeness create that value.

- **Justification:** The *House* settlement only addresses existing revenue streams. The P4/NCAA should not be permitted to exclusively claim ownership of these massive new revenue streams that will emerge over the 10-year term of the settlement. Proactively addressing this ensures athletes will have a say in the future economic landscape.

E. Scope of Preemption

- **Recommendation:** Congress should reject any preemption provision that goes beyond NIL by explicitly limiting preemption to the original NIL laws (like those passed from 2019 – 2021). The Trahan-Murphy College Athlete Economic Freedom Act may be a viable template for a limited preemption provision (**SEC. 7. STATE PREEMPTION.** (a) **IN GENERAL**.—A State may not enforce a State law relating to the ability of college athletes to enter into contracts with third parties for the use of their names, images, or likenesses pursuant to this Act. (b**) EXCEPTION FOR THE CERTIFICATION OF ATH- LETE AGENTS**.—A State may enforce a State law or regulation relating to the certification of athlete agents under the Sports Agent Responsibility and Trust Act (15 U.S.C. 7801 et seq.).

  By way of comparison to the Trahan-Murphy bill, the Cruz bill's sweeping preemption provision (and many other bills such as Wicker, Moran) reads: "**SEC. 8. PREEMPTION**.
  (a) In General.—No State or political subdivision of a State may adopt, maintain, enforce, or continue in effect any law, regulation, rule, requirement, or standard that—
  (1) conflicts with this Act; or
  (2) governs or regulates the **compensation**, **employment status**, or **eligibility for intercollegiate athletic competition** of a student athlete or prospective student athlete, **including** any provision that governs or regulates the commercial use of the **name, image, or likeness** of a student athlete or prospective student athlete."

F. Scope of Antitrust Immunity

- **Recommendation:** Explicitly limit immunity to align with the scope of the settlement and the settlement releases. The P4/NCAA/Class Counsel have said all along they only seek or support a "limited safe harbor" antitrust exemption to align with the settlement and to regulate NIL. For example, a "limited" antitrust immunity could protect only the revenue sharing "pool caps."

X. About the Authors

Richard Ford

Richard Ford is he CEO and Co-Founder of DYK Media, an education and advocacy platform for athletes and other college sports stakeholders. He has been connected to athletes' rights since the 1980s through his work with Dick Devenzio, a pioneer in the field. Through years of intensive research, Richard analyzes college sports regulatory, legal, and cultural issues through a values-based lens. In his podcast, the BigAmateurism monologues, and through DYK, Richard emphasizes unreported and underreported issues and narratives. Richard received his undergraduate degree in Public Policy from Duke University (1984) and his law degree from the University of Georgia (1988).

Richard spent over a decade as a litigation attorney representing clients in state and federal courts, including the United States Supreme Court. He also has academic experience as an adjunct professor, clinical advisor, and administrator in the law school setting. While at Duke, Richard played basketball under legendary Coach Mike Krzyzewski, going from a walk-on to a scholarship player and, ultimately, a team captain. He brings a unique perspective to his critique of college sports.

Michele Roberts

Michele A. Roberts, Esq., widely recognized as one of the nation's premier trial lawyers and litigators, is the former executive director of the National Basketball Players Association (NBPA). As the first woman to head a major professional sports union in North America, she negotiated for NBPA members new collective bargaining agreements that secured better salaries, schedules and health protocols for union members. She guided the organization through the COVID-19 crisis as players, the National Basketball Association and owners designed the "bubblelike" environment within which the league resumed play during the pandemic. She also played an instrumental role in promoting racial justice within the league.

Prior to serving as executive director of the NBPA, Ms. Roberts was a trial lawyer and partner at Skadden, Arps, Slate, Meagher & Flom. Before that, she was a partner at Akin Gump Strauss Hauer & Feld. In both roles, her practice focused on complex civil and white-collar litigations before federal and state courts and administrative bodies.

Ellen Staurowsky

Ellen J. Staurowsky, Ed.D., is a full professor in sports media in the Roy H. Park School of Communications at Ithaca College. She has been recognized as a fellow of the North American Society for Sport Management (NASSM) , the AAHPERD Research Consortium, and the National Academy of Kinesiology.
Dr. Staurowsky is internationally recognized as an expert on social justice issues in sport which include gender equity and Title IX, pay equity and equal employment opportunity, college athletes' rights and the exploitation of college athletes, the faculty role in reforming college sport, representation of women in sport media, and the misappropriation of American Indian imagery in sport. She is co-author of the book, *College Athletes for Hire: The Evolution and Legacy of the NCAA Amateur Myth* (Praeger Press) ; editor and author of *Women and Sport: A Continuing Journey from Liberation to Celebration* (Human Kinetics Publishers); co-editor and author of *Diversity, Equity, & Inclusion in Sport*; and co-author of *The NCAA and the Exploitation of Profit College Athletes: An Amateurism That Never Was.* She currently serves as a contributing/senior writer with *Sports Litigation Alert* and *Legal Issues in College Athletics* and is editor in chief of *Title IX Alert*. She is also producer/writer/host of the podcast *Talking Title IX and College Sports*.
She has served as a research consultant to the National College Players Association, co-authoring several reports addressing issues regarding college football and basketball player value, including How the NCAA Empire Robs Predominantly Black Athletes of Billions in Generational Wealth, The $6 Billion Heist: Robbing College Athletes Under the Guise of Amateurism, TV Money Windfall in Big Time College Sports: $784 Million Reasons for Reform, The Price of Poverty: A Comparison of Big-Time College Athletes Fair Market Value, Their Current Compensation, and the U.S. Federal Poverty Line, and *An Examination of the Financial Shortfall for Athletes on Full Scholarship at NCAA Division I Institutions – 2009-2010.* And she serves on the advisory board of the College Football Players Association.

Casey Floyd

Casey Floyd has been an athletes' rights advocate for over a decade. Casey grew up a huge UCLA fan and Ed O'Bannon became his childhood hero after O'Bannon led UCLA to the 1995 NCAA Championship. Almost two decades later, Casey was a law student when O'Bannon sued the NCAA. Casey became obsessed with the

lawsuit and was disturbed to learn the unsettling truth that college athletes were the only American citizens prohibited from using their own name, image, and likeness. The legal injustices and civil rights issues became Casey's driving force, rerouting his career toward the intertwined worlds of college athletics and civil rights.

- Served at multiple Power Five institutions including as Director of Compliance at the University of Michigan
- Worked at a Division I Conference Office, which provided a broader perspective
- Half a decade on the NAAC Legislation and Governance Committee

Casey received his undergraduate degree in Business Law and Marketing from California State University Northridge (2011) and his law degree from Washington and Lee School of Law (2015). Casey saw behind the veil and realized all sincere feedback related to NIL and athlete compensation was dismissed and some committee structures were just smoke and mirrors for the public. This revelation pushed him to venture out in 2020, co-founding NOCAP Sports in search of a more impactful path. Casey is COO and Co-Founder of DYK media.

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]

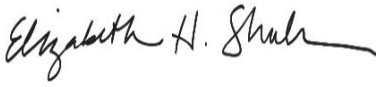
[1] Could collective bargaining be the answer for college sports?

[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

EHS/IG/ksb

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)

National College Players Association (NCPA)
PO Box 6917
Norco, CA 92860

July 10, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Gus Bilirakis
Chairman
Subcommittee on Commerce, Manufacturing, and Trade
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Commerce, Manufacturing, and Trade
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

RE: Opposition to The SCORE Act

Dear Chairmen Guthrie and Bilirakis, Ranking Members Pallone and Schakowsky, and Members of the Subcommittee:

The National College Players Association (NCPA) strongly opposes the SCORE Act and urges every member of the subcommittee to vote NO on this legislation.

Contrary to its name, the SCORE Act does not advance the rights or benefits of college athletes. Instead, it rolls back key protections that exist under state NIL laws and antitrust statutes, weakening the position of athletes and further empowering institutions that have long failed to prioritize athlete safety, fairness, and equity.

This legislation would allow the NCAA, conferences, and universities to continue exposing athletes to serious injury, sexual abuse, and exploitative practices without accountability. It will impose economic harm on FBS football and Division I basketball players, the majority of whom are Black, by stripping them billions of dollars in compensation.

The SCORE Act is an unjust giveaway that shields the NCAA and its members from antitrust liability and preempts state laws that ensure athlete freedoms. Below are specific concerns with the bill:

- Fails to establish broad-based safety and health protections for athletes.
- Strips athletes of equal rights under antitrust and labor law.
- Imposes a low athlete compensation cap of 22% of revenue—less than half of what pro athletes receive through unions.
- Provides no enforcement mechanism for violations of athlete compensation rules.
- Shifts approximately $2 billion annually in NIL pay from athletes to universities by dismantling NIL collectives.
- Does not prevent the NCAA or conferences from eliminating roster spots or Olympic sports.
- Fails to enforce Title IX transparency or compliance.
- Grants the NCAA power to restrict athlete transfer rights—even in cases of abuse.
- Permits schools to act as athlete agents under House v. NCAA, creating major conflicts of interest.
- Lacks clarity on application in scenarios involving private equity control of athletic programs.
- Offers no real gain in compensation or benefits, as existing provisions are already protected under state laws.
- Provides no legal recourse for athletes harmed by institutional or NCAA misconduct.

Congress must ensure that any federal legislation includes broad-based reform that addresses athlete safety, health coverage, participation opportunities, and fair treatment under the law.

The NCPA urges the subcommittee to reject the SCORE Act and instead support meaningful protections and freedoms for college athletes.

Sincerely,

Ramogi Huma
NCPA Executive Director

cc:

The Honorable Gus Bilirakis
The Honorable Jonathan Bynum
The Honorable Barbara Lee Figures
The Honorable Brett Guthrie
The Honorable Tim Walberg
The Honorable Jim Jordan
The Honorable Lisa McClain
The Honorable Scott Fitzgerald
The Honorable Russell Fry

The Players Associations Oppose Antitrust Exemption/Liability Shield in College Sports

The Major League Baseball Players Association (MLBPA), Major League Soccer Players Association (MLSPA), National Basketball Players Association (NBPA), National Football League Players Association (NFLPA), and National Hockey League Players Association (NHLPA) ("Players Associations") represent the players in the five major professional sports in the U.S. Each association is governed by an executive board elected directly by the players.

The college athletics landscape has shifted tremendously in the past few years in large part due to successful legal challenges to the NCAA and its operations. In the 2021 *NCAA v. Alston* Supreme Court decision the Court held that the NCAA is subject to the antitrust laws. And the recent June 2025 *House* settlement ensures that athletes will receive revenue sharing from their respective universities for their Name, Image, and Likeness (NIL).

Since many of today's college athletes will become our future members, we have a vested interest in ensuring they are protected now.

As the Energy and Commerce Committee considers the Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act, the Players Associations strongly ***urge Committee Members to reject any antitrust exemption or legal liability shield from legislation regulating college athletics:***

An Antitrust Exemption Would Permit NCAA and its Members to Collude to Harm Athletes

- Whatever progress the athletes have made has been a result of their use of the antitrust laws. The SCORE Act would take that weapon away from them.
- Granting an antitrust exemption to the NCAA and its members gives the green light for the organization and schools to collude and work against student athletes.
- Historically, antitrust exemptions have been used to set prices, limit wages, and restrict access to opportunities provided by open markets, all while shielding abuse from legal recourse.
- It is not hard to imagine a situation where NCAA and its members collude to restrict revenue sharing and deny student athletes fair compensation with the confidence of immunity against legal action. *Indeed, they have been doing exactly that for decades!*

Antitrust Exemptions are Rarely Granted and Should Not be Granted Here

- Only two industries have an antitrust exemption in the entire United States of America: railroads and Major League Baseball (partial).
- The federal government has multiple agencies (FTC, DOJ) dedicated to preventing the accumulation of monopoly power and de facto antitrust status.
- **The NCAA should not have a blank check to impose their will on the financial future of over 500,000 college athletes.**

TEAM USA ATHLETES' COMMISSION

Hon. Jim Jordan
Chairman
U.S. House Judiciary Committee
2056 Rayburn House Office Building
Washington, D.C. 20515

Hon. Jamie Raskin
Ranking Member
U.S. House Judiciary Committee
2242 Rayburn House Office Building
Washington, DC 20515

July 11, 2025

RE: Team USA Athletes' Commission's Concerns Regarding SCORE Act Discussion Draft Text

Dear Chairman Jordan, Ranking Member Raskin, and Members of the Committee,

On behalf of the Team USA Athletes' Commission (Team USA AC), the representative group and voice of Team USA athletes, we write to express our concerns regarding several provisions in the *Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act*. We appreciate Congress is examining proposals to ensure intercollegiate sports remain sustainable and that collegiate athletes are enabled to have the opportunity to compete and excel in their sport. As Team USA athletes, we are proud of the role collegiate sports has in the Olympic and Paralympic Movement, where in Paris 2024, nearly 70% of Team USA athletes came from collegiate sports as part of their athletic journey. However, we believe this legislation, in its current form, would undermine opportunity for a majority of collegiate athletes, threaten the long-term health and sustainability of Olympic and Paralympic sport development in the United States, and undermine athlete rights.

Team USA AC is composed of at least one athlete from every sport on the Olympic and Paralympic program at delegation events, six additional athletes representing Paralympic sport, and seven at-large members elected by the Team USA AC, including a Chair and two Vice Chairs. As the athletes' voice within the U.S. Olympic and Paralympic Movement, we appreciate the Committee's intent to establish a uniform national framework for name, image, and likeness (NIL) rights. However, several provisions in the SCORE Act pose serious risks to the rights and wellbeing of athletes, particularly those in Olympic, Paralympic, and non-revenue sports.

Of particular concern is the Act's failure to account for the harm it could cause to broad-based sports programs on college campuses, many of which serve as essential development pipelines for Team USA and the foundation to our country's success at the Olympic and Paralympic Games. By failing to provide protections for a majority of college athletes, and discouraging flexible, donor-supported funding mechanisms, the bill risks further marginalizing Olympic and Paralympic sports that are critical to the nation's international athletic success.

In addition, the bill grants broad authority to "interstate intercollegiate athletic associations" to regulate eligibility, NIL agreements, transfer rules, and agent access, without guaranteeing athlete representation in these governance structures. This exclusion of independent athlete representation in the mechanism contemplated by the SCORE Act is deeply troubling. We strongly urge the Committee to require formal athlete representation in all regulatory and enforcement bodies impacting athlete rights and opportunities. Congress codified athlete representation protections in the Ted Stevens Olympic and Amateur Sports Act, mandating at least 33% athlete representation on the boards and committees of the U.S. Olympic and Paralympic Commitee and National Governing Bodies. We believe similar protections are urgently needed in the collegiate space to ensure athlete voices are meaningfully included in decision-making.

The SCORE Act also raises serious concerns regarding Title IX compliance and gender equity By codifying financial models that cap athlete compensation while prioritizing revenue-generating sports, we believe the legislation could increase pressure on institutions to consolidate resources around men's football and basketball. This shift could further strain women's sports programs as well as broad-based men's sports, many of which already face funding challenges, and could result in reduced investment in Olympic and Paralympic pathway sports. Without mechanisms to ensure equitable opportunity, representation, and resource allocation, the bill risks undermining the core principles of Title IX and reversing decades of progress advancing women's athletics.

Moreover, the bill authorizes athletic associations to impose a 22% cap on athlete compensation, while placing no restrictions on compensation for coaches, administrators, or institutions. This approach reinforces a financial imbalance that disproportionately limits athletes earning potential while preserving institutional advantages and deepening existing disparities.

Team USA AC remains committed to working collaboratively with Congress and all stakeholders to craft policy that both protects and empowers athletes. We believe any legislative solution must reflect the diversity of the collegiate athletic landscape, ensure fairness and equity, include meaningful athlete representation in governance, and protect the viability of broad-based Olympic and Paralympic sport development in the United States.

Thank you for your leadership and attention to this important issue. We welcome the opportunity to continue this dialogue and support the advancement of athlete-centered solutions.

Sincerely,

Team USA Athletes' Commission Leadership

Congress of the United States

Washington, DC 20515

July 14, 2025

The Honorable Gus Bilirakis
Chair
Subcommittee on Commerce, Manufacturing, and Trade
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chair Bilirakis:

We write with concerns that your Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act, will, as introduced, curtail the rights of college athletes, absolve the NCAA, power conferences, and institutions of responsibility to enact fair rules, and block the very enforcement avenues athletes have relied on to make historic progress. We are also concerned that the bill fails to address areas where Congress could clearly add value, like bolstering Title IX. In the spirit of constructive dialogue, we urge you to consider changes to the SCORE Act that will stabilize college sports and center, protect, and empower the true engine of the industry: athletes.

Any serious consideration of the role Congress should play in college sports must begin with an assessment of the current landscape. Put simply: college athletes are now able to exercise their rights more freely than ever before. Such progress came in spite of, not because of, the power brokers of college athletics, in particular the NCAA, power conferences, and schools. It also came without Congress. Indeed, athletes have secured unprecedented and long-overdue reforms to college sports through the due process of law. They have repeatedly vindicated their rights; through the courts and especially under this nation's antitrust laws. At the same time, state legislatures across the country have stepped up on behalf of athletes in their states, choosing to codify athletes' NIL rights and provide for other protections while the NCAA has dragged its feet in courtrooms and boardrooms.

With this understanding, it is clear that poorly crafted or incomplete Congressional action in college athletics could very well do more harm than good. Absent careful, bipartisan deliberation, Congress risks undoing the progress athletes have made to shape college athletics for the better. Accordingly, we offer the following feedback on several consequential sections of the SCORE Act:

- *Sec. 7. Liability Limitation*: This section exempts entities who comply with the SCORE Act's requirements from liability under federal and state antitrust law. The effect of such a broad exemption would be sweeping, and it presents significant risks to athletes. If such an exemption was current law, the recent *House* settlement, which settled three landmark antitrust cases involving the NCAA and resulted in a host of reforms benefiting current, former, and future athletes, would not have been possible. Lawsuits brought by athletes covering sexual assault mishandling, athlete representation, and injury care and prevention would similarly have been stifled. The NCAA has not demonstrated it is worthy of the wide-ranging, perpetual liability exemption that Sec. 7 provides, especially without alternative enforcement mechanisms for athletes to hold bad actors accountable.

- *Sec. 8. Employment Standing*: This section codifies athletes' non-employment status. Practically, such a codification could foreclose any possibility of college athletes securing collective bargaining agreements that could fairly regulate areas like health and safety, the transfer portal, and eligibility. We

acknowledge the unpredictable impacts of designating athletes as employees—many athletes, particularly those in Olympic sports, have told us as much in hearings, letters, and meetings. But athletes rejecting codified employment status doesn't mean they support codifying non-employment status. We have significant reservations about this section because it could undermine athletes' ability to negotiate safety standards and other long-overdue protections the NCAA and conferences have failed to provide.

- *Sec. 10. Preemption:* This section preempts states from enforcing laws that relate to the SCORE Act, govern or regulate the compensation of student athletes, or limit or restrict rights provided to institutions and other collegiate entities, among other areas. From the perspective of athletes' rights, it imposes a relatively low and firm ceiling. Rather than provide states a standard floor on which to grant athletes more rights as they deem necessary, the SCORE Act handicaps state legislatures and handcuffs state attorneys general. Such broadly-drafted preemption language is even more risky when you consider the imminent changes that college sports is set to endure and which could produce unique, localized effects.

We also suggest the following additions that could meaningfully strengthen the bill for athletes:

- **Strengthened health and safety provisions**, including extended medical coverage for at least five years after an athlete ends their collegiate sports career, a medical trust fund that covers out-of-pocket expenses for athletes with long-term injuries, and an independent authority responsible for drafting health and safety rules.

- **Title IX improvements** to protect athletic opportunities for women athletes, clarify vague guidance from the *House*, *Hubbard*, and *Carter v. NCAA* settlement, and close loopholes that continue to deprive women athletes of roster spots.

- **Provisions targeting predatory NIL contracts** being proposed by institutions, collectives, and/or private organizations.

- **Clarification that collectives are required to offer equal opportunity to women athletes** so they have the chance to access NIL deals, education, and other valuable resources offered to other athletes at their institution.

- **Expanded NIL rights to international athletes** who are currently prohibited from engaging in NIL activities within the United States due to outdated visa restrictions.

- **Transparency requirements** that mandate the public disclosure of revenues and expenditures of each athletics program, the average number of hours an institution's athletes spent on college athletic events, and academic outcomes and majors for enrolled athletes.

- **Novel enforcement mechanisms**, such as a private right-of-action for athletes, to enforce regulations relating to areas including NIL, player health and safety, and the transfer portal and ensure accountability among the NCAA, conferences, and institutions.

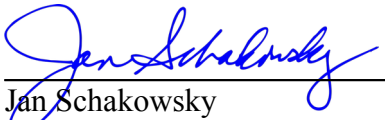
We recognize the immense value that college sports brings to athletes, institutions, communities, and states across our nation, and we are committed to working in good faith on a bipartisan path forward. Together, we

can solve the issues currently facing college athletes and stabilize the system of college athletics moving forward. We look forward to constructively engaging with you and your staff.

Sincerely,

Lori Trahan
Member of Congress

Diana DeGette
Member of Congress



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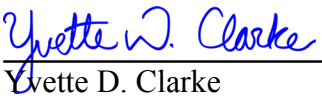

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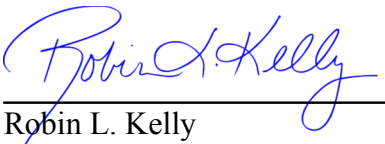

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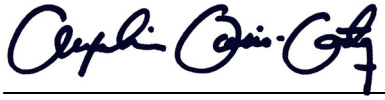

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