

July 14, 2025

The Honorable Brett Guthrie
Chair, House Energy and Commerce Committee
2161 Rayburn House Office Building
Washington, DC 20515

The Honorable Jim Jordan
Chair, House Judiciary Committee
2056 Rayburn House Office Building
Washington, DC 20515

The Honorable Tim Walberg
Chair, House Education & Workforce Committee
2266 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member, House Energy and Commerce Committee
2107 Rayburn House Office Building
Washington, DC 20515

The Honorable Jamie Raskin
Ranking Member, House Judiciary Committee
2242 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert Scott
Ranking Member, House Education & Workforce Committee
2328 Rayburn House Office Building
Washington, DC 20515

Re: The SCORE Act's antitrust exemption undermines the very rights the bill purports to protect.

Chair Guthrie, Chair Jordan, Chair Walberg, Ranking Member Pallone, Ranking Member Raskin, and Ranking Member Scott,

The undersigned organizations are committed to promoting competition, especially in labor markets where college athletes have only recently been granted legal rights. We write to express our unequivocal opposition to the antitrust exemption contained in the proposed Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act.

We have serious concerns that the bill's antitrust exemption, which would apply to the National Collegiate Athletic Association (NCAA) and anyone else claiming "compliance" with its provisions, would completely undermine any benefits that the legislation purports to provide college athletes. In the interest of preserving competition, the rights and welfare of college athletes, and intercollegiate sports, we urge you to vote "NO" on the SCORE Act and reject any other proposed legislation that includes an antitrust exemption.

A statutory exemption from liability under antitrust law would shield the NCAA and member schools from liability for colluding on rules for college athlete compensation (including for "name, image, and likeness (NIL)"), recruitment, transfers, and other policies governing intercollegiate sports. It might also give immunity to advertisers to set rates for college athletes' NIL deals in the name of complying with the bill's NIL restrictions. An antitrust exemption would "green-light" this harmful conduct and suppress competition, to the detriment of college athletes, without legal accountability.

We emphasize that antitrust law exists to prevent exactly this kind of harmful collusion. As Supreme Court Justice Brett Kavanaugh wrote, "Nowhere else in America can businesses get away with agreeing not to pay their workers a fair market rate... The NCAA is not above the law."¹ Exempting the NCAA from antitrust liability would place this powerful cartel above the law.

If the NCAA cannot function without government-granted immunity from the antitrust laws, that should be a red flag for lawmakers. The harmful anticompetitive outcomes that would result from antitrust immunity are not a hypothetical concern. They are precisely what the NCAA has accomplished in the past under the guise of "amateurism," until courts intervened to grant college athletes their rights. An exemption would reverse this important progress and permanently slam shut the courthouse doors, giving the NCAA a blank check to engage in anticompetitive abuses while profiting handsomely.

The SCORE Act's antitrust exemption provision goes well beyond "leveling the playing field." Rather, it would entrench the NCAA's dominance and roll-back or suppress the rights of college athletes. The bill would undo or undermine recent legal victories achieved by college athletes, from the Supreme Court's *Alston* decision in 2021 that unanimously struck down NCAA limits on education-related benefits, to the Third Circuit's ruling in *Johnson v. NCAA*, and the DOJ's transfer rules. Indeed, Justice Kavanaugh's concurrence in *Alston* explicitly cautioned that the NCAA's remaining restrictions on athlete compensation raise "serious questions under the antitrust laws."

The NCAA's response has been not to reform, but to run to Congress for a bailout in the form of antitrust immunity. We urge Congress to resist this tactic. Opposing the SCORE Act's antitrust exemption is not a partisan issue. It is a principled stance that aligns with the importance of market competition and core American values, shared across the political spectrum. The SCORE Act would reverse the vital progress achieved by college athletes in numerous cases by

¹ *Nat'l Collegiate Athletic Ass'n v. Alston*, 594 U.S. 69, 112 (2021), https://www.supremecourt.gov/opinions/20pdf/20-512_new_7mi8.pdf.

giving the NCAA immunity from antitrust law. Congress should not protect conduct that has already been found to violate federal law.

We strongly urge you to reject the SCORE Act in its current form and ensure that no legislation is advanced that includes any antitrust exemption for the NCAA.

Thank you for your attention to this urgent matter.

Sincerely,

Brian Hess
Executive Director, Sports Fans Coalition

Diana Moss
Vice President and Director of Competition Policy, Progressive Policy Institute

Jason Stahl
Executive Director of the College Football Players Association,

Sandeep Vaheesan
Legal Director, Open Markets Institute

Cc: Members of the House Energy and Commerce Committee, House Judiciary Committee, and House Education and Workforce Committee