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111TH CONGRESS
1ST SESSION

H. RES. 68

Supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mr. ABERCROMBIE (for himself, Mr. MATHESON, Mr. SIMPSON, and Mr. WESTMORELAND) submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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RESOLUTION

Supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams.

Whereas the National Collegiate Athletic Association (NCAA) has examined establishing a Division I A National Championship Football playoff system;

Whereas in 1976, a proposal to establish an NCAA Division I A football championship was introduced to the NCAA Division I membership on the recommendation of a special committee that had studied the feasibility of a playoff;

Whereas in 1994, a blue-ribbon panel was formed to gather information regarding the viability of establishing an NCAA Division I A football championship;

Whereas in 1998 the Bowl Championship Series (BCS) was established through an agreement between the Fiesta, Orange, Rose, and Sugar Bowls and the University of Notre Dame along with the Atlantic Coast, Big East, Big Ten, Big 12, Pacific 10 and Southeastern Athletic Conferences;

Whereas the Presidential Coalition for Athletics Reform was established in 2003 by the presidents of 46 nonautomatic qualifying schools in an aggressive effort to alter the system that governed postseason play in college football;

Whereas on September 4, 2003, the House Judiciary Committee held the oversight hearing, ''Competition in College Athletic Conferences and Antitrust Aspects of the Bowl Championship Series'';

Whereas on October 29, 2003, the Senate Judiciary Committee held an oversight hearing, ''BCS or Bust: Competitive and Economic Effects of the Bowl Championship Series On and Off the Field'';

Whereas the BCS adopted regulations to include more teams following the mobilization of the Presidential Coalition for Athletics Reform and the congressional committee hearings;

Whereas on December 7, 2005, the House Energy and Commerce Committee held an oversight hearing, ''Determining a Champion on the Field: A Comprehensive Review of the BCS and Postseason College Football'';

Whereas on February 1, 2008, the Georgia House of Representatives adopted, by a vote of 151 to 9, H. Res.

1034, recognizing the BCS system as ''dysfunctional'' and urging the NCAA to implement a playoff system to determine a national champion in the sport of college foot;

Whereas all the regular season champions of the automatic BCS qualified conferences, the Atlantic Coast, Big East, Big Ten, Big 12, Pacific-10, and Southeastern Conferences, are ensured a berth in a BCS bowl game each year;

Whereas no more than 1 team from the nonautomatic qualified conferences, Conference USA, the Mid-American, Mountain West, Sun Belt, and Western Athletic Conferences, shall earn a BCS bowl game berth in any year;

Whereas the automatic BCS-qualified conferences received an average of $31,400,000 in postseason revenue for the 2007 to 2008 postseason, and the nonautomatic qualified conferences received an average of $5,900,000;

Whereas the postseason revenue earned provides an advantage to the automatic BCS qualified conferences in recruiting, retention, facility maintenance, and other athletic programs, as well as alumni relations;

Whereas the BCS system makes it highly unlikely that a nonautomatic BCS qualifying conference team will ever compete for the BCS National Championship and rarely able to play in a BCS bowl game;

Whereas legal scholars have debated whether or not the BCS constitutes an unreasonable restraint of trade, in violation of section 1 of the Sherman Antitrust Act under the Rule of Reason test, where the procompetitive benefits are weighed against the anticompetitive effects;

Whereas the Rule of Reason test also requires there be a feasible less restrictive alternative that alleviates some of the anticompetitive effects;

Whereas the declaration of the winner of the BCS Championship Game as National Champion has annually instigated heated debate about whether the victor is actually the best team in the NCAA;

Whereas various solutions to fairly determine a champion have been proposed and should be investigated;

Whereas including more teams and players in deciding the national champion leads to more competition and fairness for the student athletes and fans;

Whereas the NCAA administers 88 team championships in 23 sports for its member institutions, including postseason playoff systems for the Division I Football Championship Subdivision (formerly Division I AA), as well as Division II and III football; and

Whereas the NCAA Division I Football Bowl Subdivision (formerly Division I A) is currently the only major college sport without an NCAA championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) rejects the BCS system as an illegal restraint of trade that violates the Sherman Anti-Trust Act;

(2) demands the United States Department of Justice Antitrust Division investigate and bring appropriate action to have the BCS system declared il-

legal and require a playoff to determine a national champion; and

(3) supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams.

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