

**THE BOWL CHAMPIONSHIP SERIES: MONEY AND  
OTHER ISSUES OF FAIRNESS FOR PUBLICLY  
FINANCED UNIVERSITIES**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON COMMERCE, TRADE,  
AND CONSUMER PROTECTION  
OF THE  
COMMITTEE ON ENERGY AND  
COMMERCE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED ELEVENTH CONGRESS  
FIRST SESSION

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**THE BOWL CHAMPIONSHIP SERIES: MONEY  
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**FRIDAY, MAY 1, 2009**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON COMMERCE, TRADE,  
AND CONSUMER PROTECTION,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:12 a.m., in Room 2123, Rayburn House Office Building, Hon. Bobby L. Rush [chairman of the subcommittee] presiding.

Present: Representatives Rush, Green, and Barton (ex officio).

Staff Present: Christian Tamotsu Fjeld, Counsel; Valerie Baron, Legislative Clerk; Michelle Ash, Counsel; Brian McCullough, Minority Senior Professional Staff; William Carty, Minority Professional Staff; Shannon Weinberg, Minority Counsel; and Chad Grant, Minority Legislative Analyst.

**OPENING STATEMENT OF HON. BOBBY L. RUSH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. RUSH. The subcommittee will come to order.

I want to thank the members of the committee, the witnesses, and those who are in the audience today for taking the time out for appearing before this rare Friday a.m. Subcommittee hearing; and the Chair now recognizes himself for 5 minutes for opening statements.

Crowning a national champion in college football has long been controversial. Whether it has been decided by the AP sportswriters poll or by the current bowl championship series, fans and sports-talk radio have always argued over which team deserves to be number one. While personally I favor some sort of playoff system to determine a national champion, as does President Obama, I understand and appreciate the history and tradition of the bowl system.

However, criticism of the BCS goes beyond just a mere sporting interest in determining the team that most deserves to be national champion. This is indeed about money, and it is about money at taxpayer-funded colleges and universities. College football is big business, and the BCS strikes many critics as unfair from a financial perspective.

There are 11 athletic conferences that make up Division 1 college football. Under the current BCS system, six of those conferences—

the ACC, SEC, the Big East, the Big 12, the big 10, and the PAC 10—are guaranteed \$18 million each to distribute among their member schools; while the five other nonautomatic conferences—the Sun Belt, the WAC, the MAC, Conference USA, and the Mountain West conference—only receive \$9.5 million combined. Notre Dame, an independent school, automatically receives \$1.3 million all by itself.

How can we justify this system during these tough economic times when States are slashing their budgets and cutting spending on education? And let me be clear that we are not examining a trivial matter at today's hearing. Colleges and universities are funded by taxpayer dollars; and we have to ask whether or not the big, dominant conferences are engaged in uncompetitive behavior and negotiating contracts at the expense of smaller conferences and their schools. In other words, are the big guys getting together and shutting out the little guys?

Such disparity in revenue distribution would arguably be justifiable were the schools from the automatic conferences simply better athletically than those from the nonautomatic conferences. But for the past year, and for in the past several years, this has clearly not been the case.

Let's look at last year. Both the ACC and the Big East failed to produce a single team in the Top 10 of the BCS standings, while the Mountain West and the WAC each had a team in the Top 10, Utah and Boise State. Yet both the ACC and the Big East received almost \$19 million each in BCS revenue, while the Mountain West received only \$9.8 million, and the WAC received \$3 million. On its face, this does not seem fair or tied to actual performance on the field.

Nonetheless, I do want to keep an open mind on this matter and hear from our distinguished panelists today. I am eager to hear from Commissioner Swofford and Mr. Fox on their views on the way the BCS revenue is currently distributed, why it is fair and equitable to taxpayer-funded colleges and universities.

I want this to be a deliberative hearing and a robust exchange of ideas. The BCS recently signed a new television contract with ESPN reportedly worth \$125 million a year starting in 2011. I will be interested to know how the BCS intends to distribute this considerable sum of dollars to colleges and universities across the country.

Lastly, I just want to thank my friend, the distinguished ranking member and former chairman of the full committee, Mr. Barton, for his extensive and commendable work on this matter. Mr. Barton has some strong—I might say very strong opinions on this subject, and I appreciate his passion and commitment to exploring this issue among many other issues that this Congress is facing. Mr. Barton has introduced legislation on this issue, legislation that I have cosponsored, and I sincerely hope that we can discuss this bill as well.

I want to thank all of our witnesses for appearing before us today, and I appreciate your travel to the Nation's capital on relatively short notice.



I yield back the balance of my time; and now I recognize the ranking member of the full committee, my friend from Texas, the one and only, Joe Barton.

**OPENING STATEMENT OF HON. JOE BARTON, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. BARTON. Thank you, Mr. Chairman.

I do have strong opinions. My strongest opinion on this issue is the fact that my team, Texas A&M, is never mentioned in the same breath as national champion for college football, but with Coach Sherman maybe one of these days will change.

I, along with you, want to welcome our distinguished panel. This is not the oversight subcommittee, so we don't subpoena people to testify. You folks all came of your own volition when we asked you to, and we appreciate it, both those of you who are proponents of the playoff and those of you who have some doubts about it. So we are extremely gratified you would come on Friday.

When I was chairman of this committee, I held a hearing on the same subject 3 years ago, 4 years ago, to just give attention to it; and at that time in that hearing I had hoped that through a spirit of volunteerism that the BCS would decide to go to a playoff system. That hasn't happened yet.

It is interesting that people of goodwill—and I think everybody on whatever side of the issue you are on this one is a person of goodwill—keep trying to tinker with the current system; and it is to my mind a little bit like—and I don't mean this directly—but it is like communism. You can't fix it. It will not be fixable. Sooner or later, you're going to have to try and remodel. And that's why we are here today.

We have heard about the thrill of victory and the agony of defeat on ABC Wide World of Sports, but, as Mr. Rush says, sports fans seldom think about the money. We are going to talk about the money a little bit today. Chairman Rush mentioned it in his opening statement, and it is I think an important reason why we do not have a playoff system.

Last year, the so-called championship game had two teams that had each lost a game, but there were several other games that had only lost one game, and there was a team that hadn't lost any games, Utah, that wasn't in the national championship game. If you had a playoff system, you wouldn't have that problem. The people in the playoff game, the championship game, would be there because they would have beaten everybody else.

No system is perfect, but why is it in the NCAA, every other sport they give a championship? It is won on the field or on the track or on the golf course or in the gymnasium. It is not won because two teams are kind of picked out of a hat or as a result of a poll in a computer system and allowed to play for the national championship.

Several college coaches that are well known have said that they are advocates for a playoff system. Urban Meyer, who is head coach of the current national championship team, Florida, has stated in the past that he favors a playoff. Nick Saban, Pete Carroll, the head coach at Texas, Mack Brown.

In May of 2008, one of the winningest college football coaches of all time, Joe Paterno, said, and I quote, I think you ought to win it on the field. I've always been for a playoff. End quote.

We didn't ask the coaches of Boise State and Utah to be here today, but if they were here and testifying I think they would say they were for a playoff.

There are countless coaches, even a few university presidents, and, believe it or not, the President, President Obama, who has stated that they think we need to have a playoff the same as we have in every other sport.

The more I think about it and the more people I talk to who really know college football, it is clearer and clearer to me that the reason we don't have a playoff system is a very green reason. It is not green environmentally. It is green money. It is that simple.

As Chairman Rush has said, you know, a \$125 million television contract and all the other contracts that are not through nationally but through regionally, it is just too much money being made this way and people don't want to change that.

This is interstate commerce. This committee has every right to regulate interstate commerce. The bill that I introduced that Chairman Rush is a cosponsor of doesn't say there has to be a playoff. It simply says, if you're going to advertise it as a national championship series and a national championship game, it has to be the result of a playoff. Otherwise, it is a false and deceptive trade practice under the Federal Trade Act.

So you couldn't advertise. You couldn't get the money. You couldn't sell the T-shirts. You couldn't do all those things that you do under the current system.

So it is not Congress being dictatorial. It is Congress saying truth in advertising. If we're going to have a national championship game, a national championship team, it ought to be the result of a playoff.

I think equity is a factor here, too. My guess is when Mr. Swofford and Mr. Fox talk later they are going to talk about the student athlete, as well they should. But it is interesting to me we just added another regular season game. I don't see how that helps academics. And we are also playing college football on Tuesdays, Wednesdays, and Thursdays. Those are not normal evenings that our student athletes should be out on the football field. They should be in study hall or something like that.

And the reason that they are playing Tuesdays, Wednesdays, and Thursdays is not because they are making straight A's in classes, although some of them may be. It is because their schools need the extra money; and their coaches are hopeful that the extra exposure, especially if they are from a non-BCS conference, might get a little bump in the polls and move up so that they might have a shot at one of the at-large bids in the BCS.

Some movement has been made. I am told that there was some discussion at the last BCS meeting, wherever that was, about a playoff, but that it was rejected. I think that is a step in the right direction that they are talking about it. But the real step is to go ahead and implement it.

I don't buy the argument that you can't change because of television contracts. Those contracts have kick-out clauses. It would be very easy to implement a playoff system.

I also don't buy the argument—although I am going to listen closely to Mr. Fox from the Alamo Bowl—that it would somehow destroy the bowl system or the mid-range bowls, things like this. They could be a part of the playoff system. They could be an addition to the playoff system.

The NIT basketball tournament has thrived in the midst of a 65-team playoff for the college basketball championship. As I asked Mr. Fox off camera, if Texas A&M and Texas Tech were in a playoff and the first round was at the Alamo bowl, I think the Alamo Bowl would do pretty well.

So, in any event, Mr. Chairman, I see my time has way over-expired. I am for college football. I enjoy watching it. I enjoy going to the games in person.

I have a wife who is a fanatic University of Texas longhorn fan. She had season tickets at Texas. And so it makes for some interesting Thanksgivings when A&M and Texas are playing in my home. I have had ham sandwiches on the back porch as much as I have had hot turkey in the dining room in some of these last few years.

But I hope we can work this out. And, again, thank you for holding the hearing; and, you gentleman, thank you for testifying. At least you are willing to go on the record. And as I've told some of you privately, there is a whole bunch of heated intensity off the record, but there is not nearly as many people willing to go on the record. So we appreciate you being here.

Thank you, Mr. Chairman.

Mr. RUSH. The Chair thanks the ranking member.

Now the Chair recognizes my friend, my classmate, the Congressman from Texas, Mr. Green, for 5 minutes of an opening statement.

And, prior to that, the chairman sees that the gentleman has a helmet. Are we going to engage in any kind of combat on the hearing? Or that is just—

Mr. BARTON. Mr. Chairman, that violates House rules, but I am not going to object.

**OPENING STATEMENT OF HON. GENE GREEN, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. GREEN. Mr. Chairman, I have a blue collar district. We normally wear hard hats, just not this hard.

Mr. Chairman, I want to thank you for holding the hearing on this. And, just for the public's interest, our Energy and Commerce Committee has been spending weeks and actually months now working on carbon sequestration and health care; and this is much more fun to talk about. Because I am actually here today, even though Congress is not, because I thought we were going to have some work on our energy work. And coming from Houston, Texas, that is awfully important in our community, but I am glad the Chair of our subcommittee held the hearing on bowl championship series and NCAA Division 1 college football.

I want to thank our witnesses, like my colleagues did, for traveling across the country. The problem is, you have two Texans here and only one fellow from Chicago. So you are going to have to listen to a lot of UT A&M and, in this case, University of Houston, because I know you traveled from across the country.

Over the last several seasons, there has been growing frustration from the system and less than unanimous agreement on the teams that should be playing a bowl championship series national title game. The most recent title game this January was no exception. There was hardly agreement from professional commentators and fans alike that Oklahoma and Florida were the two best teams in the country.

Now I am an alumnus of the University of Houston, and while it has been a while since the Cougars were at the top of the polls, my family is divided because my son went to Texas A&M, my daughter went to University of Texas. And as we know that UT beat Oklahoma earlier in the year in the Red River Shootout, many people thought they were a better team to contend for the national title.

There were also two undefeated teams, Utah and Boise State, that established themselves as top caliber teams over the recent years with bowl wins over larger schools and impressive regular season records.

Despite coming from conferences that do not receive an automatic bid into a BCS bowl game, the coalition conferences that do not receive an automatic bid at BCS bowl game also receives significantly less money from BCS-generated revenue, approximately half of the \$18 million the automatic BCS conferees receive.

While the coalition conference does receive a larger share if they place a team in the BCS bowl, the odds are so highly stacked against them, as we saw last year with Utah and Boise State, they rarely have that opportunity.

Last season, my alma mater, University of Houston, actually won its first bowl game since 1980 when it defeated Air Force in the Armed Forces Bowl. If the Cougars program gets back to where it was in late '70s, when they finished fourth in the AP and Coach's poll in '76 and fifth in 1979, I would hope they would have the opportunity to compete in the BCS bowl. But recent history has shown that, under the BCS system, odds are not in their favor since they are a coalition conference.

Mr. Chairman, I thank you for holding the hearing and look forward to fairness of the BCS system. I know our witnesses today have a number of different viewpoints on the issue, and I look forward to the testimony.

In the sports pages and in the college towns across the country there is growing frustration that the current system is significantly flawed, and I am pleased Craig Thompson is here, because I read several articles last week in the Houston Chronicle about your presentation of BCS and suggested changes. And while I understand it may be still under consideration, again, thank you for being here and appreciate the time today.

But, again, for the mass public who is worried about carbon and health care, we are working on those, but we can walk and chew gum at the same time.

Mr. RUSH. The Chair thanks the gentleman.

Now the Chair is indeed gratified to welcome our witnesses before this panel. Again, I want to reiterate our deep appreciation for you taking the time out from your very busy schedules to appear before this subcommittee; and I just want to assure you that this subcommittee, the chairman, and I believe that the Members of Congress have a keen interest in this particular issue and that this interest will give us an opportunity to have some meaningful discussions and debate around this particular issue as we go forward.

Before I swear you in, I just want to say that about a week ago I read in the USA Today a comment that was at the risk of our congressional involvement—legislative involvement on this particular issue, but—and I can't remember the author of the statement, the gentleman that the statement was attributed to, but I can assure you each and every one of you, that he was dead bang wrong. We are quite interested in it. Indeed, some are very passionate about it. And I don't see it is not in the interests of college football for anyone to be dismissive of our congressional intent, our responsibility, and our congressional commitment.

So, with that said, I am going to welcome our witnesses; and I would ask you, because it has been a new practice of this subcommittee, to swear in witnesses. So I would ask you to stand and please raise your right hand.

[Witnesses sworn.]

Please let the record reflect that all witnesses have answered in the affirmative. Please take your seat.

And I will introduce the witnesses first, because we hear their opening statements. To my left, to your right, is Mr. John D. Swofford, who is the current Commissioner of the Atlantic Coast Conference. Next to Mr. Swofford is Mr. Craig Thompson, who is the Commissioner of the West Mountain Conference. And next to Mr. Thompson is Mr. Derrick Fox, who is the President and CEO of the Alamo Bowl, representing the Football Bowl Alliance. And, lastly, next to Mr. Fox is Mr. Gene Bleymaier, who is the Athletic Director of Boise State University.

Again, welcome each and every one of you.

**STATEMENTS OF JOHN D. SWOFFORD, COMMISSIONER, ATLANTIC COAST CONFERENCE; CRAIG THOMPSON, COMMISSIONER, WEST MOUNTAIN CONFERENCE; DERRICK FOX, PRESIDENT AND CEO, VALERO ALAMO BOWL, FOOTBALL BOWL ALLIANCE; AND GENE BLEYMAIER, ATHLETIC DIRECTOR, BOISE STATE UNIVERSITY**

Mr. RUSH. Mr. Swofford, we will begin with you for 5 minutes of opening statements or thereabouts. Please pull the mic to you and turn it on, and you're now recognized.

**STATEMENT OF JOHN D. SWOFFORD**

Mr. SWOFFORD. Thank you, sir.

Mr. Chairman, members of the subcommittee, Ranking Member Barton, ladies and gentlemen, my name is John Swofford; and I have been commissioner of the Atlantic Coast Conference since 1997. Prior to that, I was the Athletic Director at the University of North Carolina, my alma mater, for 17 years.

I speak to you today not only as someone who has been fortunate to spend my entire professional career as an athletic administrator but also as a former student athlete in the sport of football. While I was in college I was fortunate to play at UNC and participate in two post-season bowl games. Like most student athletes, my football career ended when I received my undergraduate degree. My own experiences in the Peach Bowl and Gator Bowl remain among the fondest memories of my athletic career. As an administrator, I have tried to ensure that those same post-season opportunities exist for as many student athletes as possible.

Currently, the Atlantic Coast Conference serves as the coordinating offices for the bowl championship series. This is an assignment that rotates every 2 years among the conferences that are a part of the BCS arrangement. The BCS is now 11 years old, and it is the result of a group of people at the various conferences and selected bowls asking one question: How can we keep the bowl system and also create a championship game that includes the number one and number two ranked teams on an annual basis?

Prior to the current BCS structure, the two top-rated teams played each other only nine times in 45 years. The BCS exists to accomplish three relatively simple goals: one, create the opportunity for a national championship game; two, maintain the bowl structure and create quality match-ups; and, number three, maintain and enhance college football's regular season as the best and most meaningful in all of college sports.

The BCS has been successful in reaching these three goals. It has paired the number one and number two ranked teams in the Nation on an annual basis. It now includes all 11 of the football bowl subdivision conferences. Every conference has more access into the highest level of bowl games, more money and access potentially into the national championship game than ever before.

During the BCS 11-year span, college football has flourished, attendance is soaring, television ratings are high. BCS television ratings regularly outrate the NCAA basketball Final Four, the NBA playoff finals and the World Series.

Recently, the level of interest of young people in various sports was measured. NASCAR and the NFL over the last decade gained 1 percent. College football gained 9 percent in the 12 to 17 age group, the largest gain of any sport. Most every other sport has actually devalued the regular season, while college football's regular season has only gained in stature, interest, attendance and television coverage. While realizing that many American sports fans relate very well to a playoff system, much of this could be lost if the regular season were turned into a seeding process.

The current system maintains long-term bowl alliances. Bowls have existed for over 90 years, in some cases, starting with the Rose Bowl. They stand as cultural icons in our country. Twenty-nine non-BCS bowls create regional interest, support charitable causes, generate tourism, economic impact, and tax dollars for host cities, as well as give approximately 6,000 young men, most of whom are not fortunate enough to play on college championship teams, the chance to enjoy a memorial post season experience.

Bowls are not merely games. They are events.

Teams do not travel to them the day before the game and leave immediately afterward as in the regular season or would be the case in a playoff. Rather, they go to the host city and stay as many as 6 days, enjoying the hospitality of the bowl organization. Fans travel to the games and stay for several days, thus generating economic benefits for the host city and allowing the bowl to attract local sponsors and support that help it fulfill its economic and charitable missions.

For example, the Sugar Bowl estimates that the two BCS bowl games played in January, 2008, created an economic impact in the City of New Orleans and the State of Louisiana of nearly \$400 million. State and local governments realized nearly \$25 million in tax revenues as a result of those two games.

We cannot reasonably expect fans and teams to travel multiple times in December or January staying several days in each location. Our fans do not have the time, and most do not have the financial resources to do so. Moreover, I am not aware of any football playoff in this country at any level in which all games are played at predetermined neutral sites that may be thousands of miles from the homes of the participating teams.

College football is different than professional. There are 120 bowl subdivision college football teams, and our preference is that a system provide a large number of those teams with a post-season opportunity. Professional football, with only 32 teams, can make a 12-team playoff work nicely within its structure.

Like all other football playoffs in the NCAA and the professional leagues, early round games of any bowl subdivision playoff would almost certainly be played at campus sites, with only the final contest at a neutral site. As the playoff grows, sponsorship and television revenues that historically have flowed into bowl games and their host cities will inevitably follow, meaning that it will be very difficult for any bowl, including the current BCS bowls, which are the oldest and most established in the game's history, to survive.

The current system also keeps football a one-semester sport, maintains the integrity of the regular season, preserves the overall bowl system, does not conflict with fall semester exams in most instances, and adds only one additional game.

One of the reasons we are where we are in post-season college football is because of the fact that the BCS is a system that the conferences have individually and collectively been able to agree on. Decisions concerning the BCS arrangement are made by a Presidential oversight committee, which is a group of university presidents and chancellors with advice from conference commissioners, athletic directors, and coaches. The BCS arrangement is reviewed annually by all 11 conference commissioners and an athletic director advisory panel. We also seek the advice of representatives of the American Football Coaches Association on certain matters.

Ultimately, our presidents and chancellors remain strongly committed to the balance of academic and athletic excellence. Their first priority is their students and preparing them for their futures. The BCS, we find, is fully consistent with the educational mission of our colleges and universities and maximizes the number of post-season opportunities for our student athletes, coaches, and fans.

Now each year one or more of the conferences submits ideas for change in the current system. All of them receive careful and deliberate consideration. Last year, for example, the Atlantic Coast Conference and the Southeastern Conference proposed a format adjustment. This year, the Mountain West has suggested a different adjustment in the format, and the conferences will consider that proposal during their various upcoming spring meetings.

Mr. RUSH. Mr. Swofford, you're almost 4 minutes over, but I have been pretty lenient, so please close your comments, please.

Mr. SWOFFORD. Thank you, sir.

We are aware that no mechanism for determining a college football national champion will ever be perfect, without controversy or without ambiguity. We are always open to suggestions to improve BCS or the game of college football as a whole.

In closing, college football continues to be managed within the context of higher education. University presidents and chancellors seek a balance between the academic missions of their institutions and the desire of fans for a system to crown the national champion. We want to maintain the significance of the regular season and support a vibrant post-season bowl structure that provides a maximum number of opportunities for student athletes.

Mr. Chairman, I have a letter from a number of conferences, presidents, and the University of Notre Dame that I would like to submit for the record please.

Mr. RUSH. So ordered.

[The information appears at the conclusion of the hearing.]

Mr. SWOFFORD. Again, thank you for the opportunity to be with you today and to address these matters.

[The prepared statement of Mr. Swofford follows:]



**STATEMENT OF JOHN D. SWOFFORD  
COMMISSIONER OF THE ATLANTIC COAST CONFERENCE**

Chairman Rush, Ranking Member Radanovich, and Members of the Committee, I am John Swofford. It is a pleasure to appear before you today to discuss college football, its post-season, and the Bowl Championship Series ("BCS").

I am Commissioner of the Atlantic Coast Conference ("ACC") and have served in that role since July 1997. Before then, I was Director of Athletics at the University of North Carolina, my alma mater, from 1980 to 1997. I have been privileged to spend my entire professional career in the administration of intercollegiate athletics. While in college, I was fortunate to play football for Coach Bill Dooley and had the opportunity to play in two post-season bowl games. Like virtually all student-athletes, I did not move on to the professional ranks. My football career ended when I received my undergraduate degree. But my own experiences in the 1970 Peach Bowl and 1971 Gator Bowl remain among the fondest memories of my athletic career. Both capped very successful seasons for the University of North Carolina and provided great rewards for my teammates and me. Not only did they allow us to test ourselves against fine teams from Arizona State University and the University of Georgia but also offered us the chance to enjoy the hospitality and attractions of the cities of Atlanta and Jacksonville for several days. Throughout my career as an athletic director and as a commissioner, I have worked to ensure that as many college football players as possible have had the same privileges to enjoy the post-season experience and build life-long memories that were accorded to me by my predecessors.

College football and its post-season can only be understood by knowing the history of the game. Rutgers and Princeton played in the first intercollegiate contest in 1869, and the game grew in popularity over the next several decades, as many schools began fielding teams and the rules of the game became standardized. In 1902, even before the formation of the National Collegiate Athletic Association, the Pasadena Tournament of Roses Association, which was then a relatively new organization that held an annual holiday celebration in Southern California, decided to invite the University of Michigan to play in a post-season game against Stanford in what became the first Rose Bowl contest. While that first game was not tremendously successful – it was halted in the third quarter with Michigan leading 49-0 – and was replaced over the next few years with other events, such as chariot races, college football continued to grow in popularity. The Tournament of Roses revived the idea of a post-season college game in January 1916, and the game became a remarkable success. The Rose Bowl has been played annually since that time, and in 1923 moved into a new stadium that still hosts the game. By the late 1920s, the Rose Bowl had grown into a national event, pairing a highly regarded team from a West Coast institution against a highly regarded team from a university in the eastern half of the United States.

In the 1930s, local civic organizations in New Orleans, Miami, and Dallas, joined by hotel and restaurant associations, chambers of commerce, tourism bureaus, and the like, began hosting post-season college football games and a number of ancillary events during the period between Christmas and New Year's Day. Noting the extraordinary success of the Tournament of Roses and the Rose Bowl game, these organizations decided that a college football game could be the centerpiece of a three or four-day event that would attract visitors to a community and fill

hotel rooms and increase patronage at restaurants and other hospitality establishments when business would otherwise be down because of the holiday season. Thus were born the Sugar Bowl, Orange Bowl, and Cotton Bowl, and those events have built traditions and forged places in their respective communities and in the nation's culture that continue to this day. In fact, the Cotton Bowl attracted more than 88,000 fans to its game this season, its largest crowd ever.

The purpose of bowl games in local communities has always been two-fold. First, they aim to generate economic benefits for their host regions by attracting visitors who will come and stay several days. Second, they support charities that provide services locally. Those missions remain largely unchanged. Today, there are 34 post-season college football games, including one in Canada, that generate more than a billion dollars annually in economic impact for their host cities, and return millions of dollars to numerous local charities and philanthropic organizations. They have also returned billions of dollars over the years to participating colleges and universities and provided scholarships and other financial assistance to countless students and student-athletes. The bowls are revered institutions locally and have become part of the fabric of the nation's holiday celebration.

Bowl games did not achieve this lofty status on their own. Over the years, a number of bowls developed individual working relationships with college football conferences. The oldest and longest-standing of these affiliations is between the Tournament of Roses and the Big Ten and Pacific-10 Conferences. Beginning in January 1947, those two conferences agreed to send their champions to play in the Rose Bowl game each year. For the last six decades, the Big Ten and Pacific-10 have sent highly-rated teams to play in the Rose Bowl game. Their fans have bought tickets, filled hotel rooms, and attended other events in conjunction with the Tournament of Roses, thus enabling the Rose Bowl to fill its stadium each year, attract the interest of fans across the nation and lure broadcasters willing to pay substantial rights fees to televise the game. In return, the opportunity to play for a berth in the Rose Bowl has dramatically increased the attractiveness of regular season championship races in the Big Ten and Pacific-10 Conferences. A Rose Bowl berth is the traditional prize for the league championship in those conferences. The Big Ten-Pacific-10 affiliation with the Rose Bowl is as vibrant today as it has ever been.

While it is the oldest of its type, the Rose Bowl arrangement is not the only such relationship. For more than 30 years, the Southeastern Conference ("SEC") has sent its champion annually to play in the Sugar Bowl in New Orleans. Like the Rose Bowl, the Sugar Bowl has benefitted from the passion of SEC fans. By the same token, with the Sugar Bowl as their goal, SEC teams have built a reputation for excellence that is well-known. In addition, for many years, the Cotton Bowl had a similar relationship with the old Southwest Conference, and the Big Eight Conference, whose membership is today part of the Big Twelve Conference ("Big 12"), for decades had a similar relationship with the Orange Bowl. The ACC began a relationship with the Florida Citrus Bowl (now the Capital One Bowl) in the late 1980s, and in the past 10 years we have enjoyed a similar relationship with the Orange Bowl. The Big 12 has a relationship today with the Fiesta Bowl. The existence of these conference-bowl affiliation arrangements has been integral to the success of college bowl games, and understanding them is crucial to understanding the history of the game as a whole.

Another important aspect of college football is that, unlike most professional sports, college football does not consist of one league but many separate leagues. The number of

conferences and the member institutions in each has changed often over the years with some leagues dissolving and new ones developing. Today, there are today 11 different leagues with 117 teams at the highest level of the game, the NCAA Football Bowl Subdivision. These conferences range in size from 8 teams to 13 teams. In addition, three teams, the University of Notre Dame, the United States Military Academy, and the United States Naval Academy, compete as independent institutions, meaning that they have chosen not to join any conference for football. Each of these leagues crowns its own champion and negotiates its own bowl relationships. Each conference also negotiates its own contracts for telecasting its regular season football games.

Because college football developed as numerous conferences rather than as a single unified league and has had a successful broad-based bowl system, the member institutions of the NCAA have not believed it necessary to create a championship of all leagues or what has long been referred to by the media and public as a “national champion.” The presidents of the universities, through the NCAA, have studied the creation of such a championship many times over the years, but have consistently rejected it in favor of the traditional bowl arrangements.

While there were efforts to rank teams and determine “national champions” as far back as the late 1800s, perhaps the most well-known ranking began when the Associated Press created its college football poll in 1936. The American Football Coaches Association teamed with United Press International in 1950 to publish its own weekly ranking of teams from a panel of coaches. Both the coaches poll, which is now published by *USA Today*, and the AP poll gained wide acceptance by the public and media over the years, and at the end of each season, the highest-ranked team in each has often been declared the best in the nation and thus “national champion.” For many years, both the AP and coaches polls determined the national champion based solely on the results of regular season games. By the late 1960s or early 1970s, however, both began to conduct polls after the bowl games, bringing added attention and focus on those games and giving them a role in determining a “national champion.”

The organization of college football into multiple independent conferences is also crucial to understanding its economic underpinnings and why post-season arrangements have developed as they have. The starting point for discussing conferences as they exist today is the Supreme Court’s 1984 decision in *NCAA v. Board of Regents* (“*NCAA*”). Before that time, the NCAA sold all television rights for regular season football. It strictly limited both the number of televised games and also the number of television appearances that any individual institution could make in a single year. Similarly, the NCAA plan did not permit individual universities or individual conferences to sell television rights, and the NCAA contract paid a set amount of money to an institution appearing in a televised game regardless of the attractiveness of the team or the game.

The Supreme Court’s decision ended the NCAA television plan and effectively required all conferences and independents to sell their television rights individually. It would be difficult to overstate the effect of the decision both in terms of conference development and post-season arrangements. Before *NCAA*, a thriving group of traditional powers played football as independents. Among them were Notre Dame, Penn State, Florida State, Miami, Virginia Tech, and West Virginia, along with several others. With the exception of Notre Dame, however, none of those institutions individually was sufficiently attractive to television broadcasters to obtain a

national television contract. Thus, when the NCAA television plan ended, most of them were left with the option of joining a conference or facing the prospect of severely reduced television revenues. As a result, Florida State joined the ACC, Penn State joined the Big Ten and Miami, Virginia Tech, West Virginia and several other independents, such as Syracuse, Rutgers and Pittsburgh, joined together to form an entirely new football league, the Big East Conference. There were other changes as well. The Southwest Conference, which largely consisted of universities in Texas, dissolved and four of those schools joined with the members of the Big Eight Conference to form the Big 12.

This conference formation and expansion had a significant effect on the football post-season. The bowl system had never been very good at matching the top two teams in the nation. Only nine times between 1946 and 1991 were bowls able to pair the top two teams in the polls against one another largely because of conference-bowl affiliation arrangements. When there were a thriving group of independents, many of whom were highly-ranked, the bowls could occasionally pair one of those teams with against a highly-ranked conference champion in a matchup of one versus two. *NCAA* and the changes that it brought about altered that landscape substantially. Because many independents were joining conferences, they would now be subject to the conference-bowl affiliation agreements. Games such as Penn State-Miami in the 1987 Fiesta Bowl and Oklahoma-Miami in the 1988 Orange Bowl, both of which paired unbeaten and consensus top two teams, would not be possible in the future. This reality was of major concern to the bowls and to the conferences.

The issue reached a decision point in 1991 when the Blockbuster Bowl offered the ACC and the newly formed Big East Conference an affiliation arrangement that would have paid both conferences about \$7 million annually to commit their champions to that game. That offer was extraordinary at the time. Had the ACC and Big East accepted that offer, it would have been virtually impossible to match the top two teams against one another in a bowl game unless the top two teams were members of conferences that happened to have affiliation arrangements with the same bowl or one of the top two teams was an independent that could play against a team in a bowl that had an open slot.

The chances of either happening were very small for two reasons. If a bowl had affiliation arrangements with two conferences, it could match the top two teams only if the champions of those two leagues happened to be ranked first and second. That did not often happen. Further, when a bowl had an open slot, it often would effectively commit that slot to a highly-ranked team after seven or eight games in a season rather than waiting until the end of the year. A team highly-ranked after eight games might lose two or more of its final games and drop in the rankings. What appeared to be an attractive matchup earlier did not have as much significance when the full season was complete.

To address these issues, in 1991, several bowls and conferences formed the Bowl Coalition. The Bowl Coalition did not alter the conference-bowl affiliation arrangements. Instead, it did two things. First, to obtain the participation of the ACC and Big East, the participating bowls – the Cotton, Fiesta, Orange, and Sugar Bowls – promised guaranteed slots to the champions of those two conferences each year. The ACC and Big East would not have turned down the Blockbuster Bowl offer, which was economically more attractive, had the four bowls in the Coalition not offered them guaranteed slots that would provide them a certain bowl

berths for their respective champions. Second, to obtain the participation of Notre Dame, the four participating bowls agreed to select Notre Dame each year when it was eligible under certain criteria. The Coalition arrangement also created a selection order allowing those bowls to defer filling their open slots until the regular season ended.

Because the Bowl Coalition had no effect on existing conference-bowl affiliation arrangements, it could not guarantee a matchup between the two top-ranked teams. It could not, for example, match a top-ranked team in the Southeastern Conference against a second-ranked team from the Big Eight or Southwestern Conference because all of those conferences had committed their champions to different bowls. Similarly, because the Big Ten and Pacific-10 champions were annually committed to play one another in the Rose Bowl, neither could be paired against a team from a different conference in any bowl game regardless of ranking. Nonetheless, given these limitations, the Bowl Coalition was quite successful. Twice during its three years of operation, the Coalition arrangement matched the consensus top two teams in a national championship contest at a bowl game. Given that the bowl system had created only nine matchups of the top two teams from 1946 to 1991, the Coalition achieved more than its architects could have envisioned.

The next opportunity to increase the likelihood of a matchup between the top two teams came in 1995 with the formation of the Bowl Alliance. Many of the conference-bowl affiliation agreements were ending at that time and the Southwest Conference was dissolving. Rather than renewing the established agreements, the Fiesta, Orange, and Sugar Bowls, along with the ACC, Big East, Big 12, and SEC, agreed to allow the participating bowls to select teams in an order that would permit them to maximize the chances of pairing the top two teams. Again, none of the participating conferences would have committed to the Alliance arrangement without obtaining a guaranteed slot in one of those games. They would have simply renewed their existing affiliation agreements. Similarly, none of the participating bowls would have joined if the participating conferences had not committed their champions to play in their games because they could have entered affiliation arrangements with individual conferences that would have guaranteed them attractive teams. The Alliance operated for three years.

Although the Alliance was successful economically, it had two weaknesses. First, by abandoning the traditional conference-bowl affiliations, it sapped some of the strength of the bowls. For example, during the Alliance era, the SEC champion did not play in the Sugar Bowl annually as it had traditionally. For those three years, the Sugar Bowl could not tell its patrons that it was regularly slated to host SEC champion or any SEC team at all. Fans of SEC teams were not sure what bowl would host their champion. In short, the Alliance experiment reaffirmed both the economic and athletic value of the historic conference-bowl affiliation arrangements.

Second, and as important, the Alliance, like the Coalition, did not include the champions of the Big Ten or Pacific-10. Four times from 1991 to 1997, either the Big Ten champion or Pacific-10 champion finished the season undefeated and ranked first or second. Furthermore, each time that occurred, there was another team from another conference that was undefeated and either ranked first or second. Thus, it was clear that any attempt to ensure a game between the top two teams in the nation would require the participation of the Big Ten and Pacific-10 champions.

That requirement presented a significant challenge. The Big Ten and Pacific-10 champions had played against one another in the Rose Bowl since 1947. That arrangement was part of the fabric of those conferences and, as I noted, the prize for winning the conference championship. Giving up a guaranteed slot in the Rose Bowl to participate in a possible national championship game elsewhere was a substantial sacrifice for the Big Ten and Pacific-10, and some presidents and athletic directors at the member universities of those conferences thought it was simply too great a sacrifice to make. Similarly, the Tournament of Roses considered the idea with trepidation. The Rose Bowl had built its tradition and value to fans and broadcasters by offering the Big Ten and Pacific-10 champions every year. It was not anxious to alter that successful formula.

Nonetheless, after much discussion, the Big Ten, Pacific-10, and Tournament of Roses agreed to alter their arrangement in two important ways. First, the Big Ten or Pacific-10 champion would not be required to play in the Rose Bowl if it were ranked first or second and could play against a team ranked first or second in another bowl. Second, to give the Rose Bowl the opportunity to join the other participating bowls in hosting a national championship game once every four years, the Big Ten and Pacific-10 agreed not to play in the Rose Bowl if they were not ranked first or second.

These changes to the arrangement among the Big Ten, Pacific-10, and Tournament of Roses were the final pieces in the puzzle that established what is now known as the Bowl Championship Series. The BCS has for the first time in the college football history made it possible for the bowls to guarantee a matchup between the top two teams in the nation each year.

Those of us who were there at the BCS's creation and have seen it develop over the last 11 seasons can attest to its enormous success. We do not claim that it is perfect. Yet no alternative mechanism for determining a college football national champion will ever be perfect, without controversy, or without ambiguity. Indeed, those who advocate some different structure almost always do so in the abstract and with hindsight after having seen the season play out. This is not how athletic administration works. The rules and structure must be established before the games start and they must take account of a number of salient facts, most notably that college football consists not of one league but many leagues – each with its own character, traditions, bowl affiliations, and market value – and that the bowls are independent economic entities that have existed for many years and provide enormous economic benefits to their communities and substantial post-season opportunities not only to the top teams in college football but to almost every institution that has a successful season. Only five of the bowl games are part of the BCS. Twenty-nine others, however, generate tourism, economic impact and accompanying tax dollars for their cities and give approximately 5,800 young men, most of whom are not fortunate enough to play on conference championship teams or highly-ranked runner-up teams, the chance to enjoy a memorable post-season experience. No one has ever put forward an alternative plan of determining a national champion that addresses the numerous economic and athletic issues in any satisfactory way.

The BCS was not built on virgin ground; bowls had existed for more than 90 years when it was created. Even the most ardent advocates of an alternative system do not contend that the bowls should be abandoned or weakened. Thus, to make any post-season structure workable in college football, those of us who have the privilege and responsibility for administering the game

must take the assets that we have, account for the long-standing, valuable relationships that have existed for decades, and within the existing framework craft the best possible mechanism for determining a national champion.

The criticism of the current system usually falls into three categories. Let me address each of them in order.

One criticism is that the BCS guarantees bowl berths and money to certain conferences but not to others. This states the situation exactly backward. Before the formation of the BCS, each of the six conferences with an annual automatic berth in a BCS game had a very attractive guaranteed bowl slot for its champion or was able to obtain one individually. If the BCS were to disappear tomorrow, each of those conferences would return to the marketplace and obtain a similarly attractive bowl slot on its own through individual negotiation, most likely in one of the current BCS games. The primary loss would be a guaranteed annual bowl game pairing the top two teams in the rankings.

At the time the BCS was formed, none of those conferences would have committed to the arrangement had it not been promised a bowl slot at least as attractive as the one it could have obtained on its own. Moreover, it was clear that the BCS could never achieve one of its goals of annually matching the top two teams in the nation if it did not have the participation of those conferences and the University of Notre Dame. Since 1946 either Notre Dame or a team in one of the six conferences with an annual automatic berth for its champion in a BCS bowl has finished atop the final AP poll, except for 1984 when Brigham Young finished first. To make an annual game between the top two teams a reality, the architects of the BCS had to look at who had won national championships in the past and consider who was likely to play for them in the future. The historical record made that clear. They then had to address certain established relationships between bowls and the conferences in which those teams were members and persuade both those leagues and their affiliated bowls to try something new. No bowl or league, however, could reasonably have been expected to give up an established relationship unless the new arrangement guaranteed it at least the same benefits that it could obtain by itself. For the conferences, that meant guaranteed slots at least the equivalent of their then-existing affiliations, and for the bowls it meant guaranteed participation by teams that were at least as attractive as the ones that they were then getting from their conference affiliation arrangements. The BCS does nothing but provide those conferences that have annual guaranteed slots and the bowl games that hosted them precisely what they would obtain if it did not exist.

Of course, five other conferences in college football do not have annual automatic berths in BCS games. The BCS provides enormous benefits for them as well. For a number of reasons, none of those conferences had been able on its own over the years to obtain a bowl slot as attractive as, or that provided a financial payout approaching the level of, the other six conferences. Indeed, at the time of the formation of the BCS arrangement, there were roughly 18 bowl games and several of those five conferences did not have a guaranteed slot in any bowl game. The BCS arrangement expanded opportunities for those conferences in three ways:

First, it guaranteed the teams in those conferences that they would play in a national championship game if they were ranked first or second at the end of the season. That was in

sharp contrast to 1984 when Brigham Young was ranked first at the end of the regular season but played in the Holiday Bowl against a 6-5 Michigan team.

Second, the BCS arrangement guaranteed those conferences that a team ranked sixth or higher would play in one of the BCS bowls. That standard was relaxed a few years ago, resulting in even broader guaranteed participation. Today, a team in one of those five conferences is guaranteed a slot in a BCS bowl if it is a conference champion and either ranked in the top 12 at the end of the season or ranked in the top 16 at the end of the season and ranked above the champion of a conference with an annual automatic berth. This has created unprecedented opportunities for those conferences to compete in the BCS bowls. From the end of World War II through 2003, only six teams that are currently members of those conferences played in any of the BCS bowl games, and two of those were in the Fiesta Bowl's early years when it had an affiliation arrangement with the Western Athletic Conference. In the last five years, four teams from such conferences have played in BCS games.

Third, the BCS guarantees an annual payment to each of those conferences for making their teams available even when they do not qualify for the national championship game or are not selected for a BCS game and substantially more when one of those teams actually plays in a BCS game. Those revenues are far in excess of the amounts that any of those conferences has ever been able to obtain on its own from any post-season bowl game.

Thus, far from being "unfair," the BCS has provided bowl berths to those conferences that bring historical prestige, records of achievement, and marketplace value to the arrangement equivalent to what they would obtain on their own. For those conferences without annual automatic berths, it has expanded playing opportunities and economic benefits well beyond those that they have ever been able to obtain on their own. This has enabled those conferences to build their programs and to achieve national recognition that has heretofore not come their way. Utah's recently completed unbeaten season, Hawaii's Sugar Bowl appearance in 2008, and Boise State's fine run through the 2007 season are classic examples. In fact, Boise State only joined the NCAA Football Bowl Subdivision thirteen years ago. The ability to play in a BCS game has elevated a fledging program and given it national exposure in a way that the prior bowl system never would have.

A second criticism of the current system is that it does not establish a national championship with any "certainty" or "finality." Most critics note that in some years, there may be several teams with a claim to being a deserving contender for the national championship game and that the only way to avoid controversy is to adopt some sort of multiple game playoff. As I noted, no structure will determine a championship with any "certainty." Someone will have to choose teams that will participate in a playoff, and because football can never have as many playoff slots as basketball, nor as many data points to evaluate teams, there will always be significant selection controversy. Moreover, the idea that a champion will be decided with "certainty" is at odds with reality. All playoff arrangements require some initial seeding of teams, which is an imprecise endeavor at best. Many different seedings could be established each year, and each may yield a vastly different result. Playoffs result in winners of tournaments that are seeded in a particular fashion and often after ignoring regular season results, as we have seen many times in the professional leagues. College football has chosen to go a different route,



largely because the bowl system has been effective in providing a post-season format that is more conducive to the overall missions of the participants.

Changes in the post-season cannot be considered in isolation. Intercollegiate athletics exists not as an independent function of universities but to further the education of the young men and women who participate in college sports, teaching such values as perseverance, loyalty, dedication, and teamwork. Nonetheless, it has an economic component that cannot be ignored. At most institutions, football is by far the highest revenue generator, and in many cases, it covers the vast bulk of the costs of the remainder of the athletic department. Thus, no school and no conference can possibly afford to take steps that would reduce the value of its football program. No matter how the post-season is structured now or in the future, each school will derive the lion's share of its football revenue from the regular season. This means that any revenue lost from regular season will have to be made up with incremental post-season revenues. Even if a playoff were to generate significant additional revenues over the current bowl system – itself a dubious proposition – it is highly unlikely to make up for losses suffered by conferences and institutions from a reduction in value of the regular season.

The BCS serves to maximize the value of regular season football by keeping the focus of the national championship chase on conference championship races and regular-season non-conference games. Indeed, since the creation of the BCS in 1998, college football has seen unprecedented growth in attendance and fan interest because the regular season games matter so much. For the 15 years before the BCS, attendance at all regular season college football games remained flat at approximately 25 million fans per year. Since the formation of the BCS, that number has grown each year, with a record 37.4 million fans attending games in 2008.

With respect to television, conferences have increased both their exposure and revenues. The BCS enhances television value because games that are important in one conference that might otherwise be of interest only regionally are exciting for fans nationwide. For example, in 2007, West Virginia and Pittsburgh played their traditional rivalry game on the last Saturday of the season. At the time, Pittsburgh was 3-8 and simply concluding what had been, to that point, a disappointing season. West Virginia was 10-1 and ranked number two in the nation. It had already sewn up the Big East championship, and in a playoff format, it would have already secured a spot in a tournament. While the traditional rivalry would have made the game interesting to fans of the two teams, had a playoff existed, West Virginia would have been playing for nothing more than seeding. Yet because of the BCS, West Virginia was vying for a slot in the BCS National Championship Game and thus the game had interest to fans around the nation. Fans of LSU, USC, Ohio State, and other highly ranked teams that were in the hunt for a spot in the BCS National Championship Game had reason to tune in to see whether West Virginia could win and secure a title shot. In other words, what might have been a game of regional interest at best became a game of national significance. That story is repeated in each conference every year as a result of the BCS arrangement. The BCS, therefore, has resulted in generating cross-conference interest in games and expands the viewing audience for regular-season conference television packages for each and every league in the Football Bowl Subdivision. That translates into higher rights fees for regular season football, which redounds to the advantage of each college and university. Broadcasters have noted the vibrancy of the game, and today, five major broadcasters carry regular-season college football – ABC, CBS, NBC, Fox cable outlets, and ESPN, which is a sister company of ABC. In addition, some other

national cable outlets, such as Versus, and a number of syndicators carry regular-season games. College football is healthier today than it has ever been in its history, including its golden era of the 1910s and 1920s when it had a far greater following than professional football.

Adoption of an alternative post-season format would dramatically alter that dynamic. While the NCAA Division I men's basketball championship tournament – March Madness – has been very successful, it has taken the spotlight away from regular-season basketball. The value of regular-season basketball for many leagues and institutions has declined substantially, and the number of national broadcasters has dwindled, as have regular season rights fees. In many cases, the incremental revenues from the NCAA basketball tournament have not been sufficient to offset the losses to individual institutions and leagues. A similar result in college football would be very difficult economically for all conferences and institutions, but particularly those with higher-value television packages and greater regular-season attendance. In an era in which schools increasingly face challenges because of state budget cuts, declines in donations, and great economic uncertainty generally, tinkering with proven success, especially given the experience from the basketball tournament, is not something on which many schools and conferences will gamble.

Third, the current system is often criticized by playoff proponents who contend that a playoff need not alter the great traditions of the game and that a bowl system can co-exist with a playoff format. This misconceives the nature of the bowls. Bowls are not merely games; they are events. Teams do not travel to them the day before the game and leave immediately afterward, as in the regular season. Rather, they go to the host city and stay as many as six days enjoying the hospitality of the bowl organizations geared for teams and fans. Fans travel to the games and stay for several days, thus generating economic benefits for the host city and allowing the bowl to attract local sponsors and support that help it fulfill its economic and charitable missions.

Bowls are particularly suited to the holiday period because fans generally have more free time and are able to spend several days away from home. No multi-game playoff can possibly be played within the short holiday period. Thus, using the bowls as playoff sites would be impractical. Sites must be chosen (and stadiums and hotels reserved) well in advance and well before teams are known. Therefore, there is no assurance that the participating teams and their fans will have any regional proximity to the bowl sites. Unlike in basketball where multiple games involving four or eight institutions can be played at a single site within a span of two or three days, and organizers need only fill arenas with 18,000 or so seats, major bowls have only one game that involves two institutions and must sell 60,000-70,000 tickets. We cannot reasonably expect fans to travel to distant locations around the country multiple times during the month of December or January and stay in each host city for three or four days. Our fans do not have the time, and most do not have the financial resources, to do so. Moreover, I am not aware of any football playoff in this country at any level in which all games are played at pre-determined neutral sites that may be thousands of miles from the homes of the participating teams.

Like all other football playoffs in the NCAA and the professional leagues, early-round games of any Bowl Subdivision playoffs would almost certainly be played at campus sites with only the final contest at a neutral site. As the playoff grows, sponsorship and television revenues

that historically have flowed into bowl games will inevitably follow, meaning that it will be very difficult for any bowl, including the current BCS bowls, which are among the oldest and most established in the game's history, to survive. Certainly the twenty-nine games that are not part of the BCS would be in peril.

These realities pose two very serious dilemmas for college football. First, the bowls and their host cities have been very good for the game. They have welcomed teams for many years, provided superb hospitality and experiences for student-athletes, supported the education of students through scholarship programs, and returned billions of dollars to the participating institutions. They have been loyal supporters, have helped build its traditions, and merit our full support.

Locally, they have become treasured assets in their communities. They generate economic impact that is substantial, and they provide numerous charitable benefits. There are many examples but just two make this point clearly. The two BCS bowl games played in New Orleans in January 2008 created an economic impact estimated at \$400 million. In a region still recovering from the ravages of Hurricane Katrina, the loss of such an economic engine could be devastating.

In terms of charitable contributions, the Orange Bowl is donating \$2.5 million to assist Miami-Dade County in renovating historic Moore Park, site of the first Orange Bowl game, to create a first-rate youth football facility, complete with grandstands and electronic scoreboard. Without the Orange Bowl's generosity, this project would not have come to fruition. While we are pleased that these facilities will be used to teach inner-city youth athletic skills, it is the mentoring, coaching, and influence from dedicated adult volunteers and the inculcation of shared values that will really make such a program invaluable. None of us in college football are anxious to jeopardize these or the many other charitable endeavors undertaken by all of the bowl games.

Second, as a conference commissioner, I have a duty not only to those teams in the ACC that are the most successful and that might compete for a national championship. Rather, my task is to help foster the success of all 12 ACC institutions. The bowl system allows each conference commissioner to do that. The ACC is fortunate to have relationships with nine bowl games today. Yet I know that in the absence of a bowl system, very few student-athletes and their fans would enjoy the chance to play in a post-season game. We must constantly be aware of the need to reward those student-athletes who by historical standards have had remarkably successful seasons. One example from last year makes that point. Vanderbilt from the SEC played in a bowl game last season for the first time in 26 years. The SEC is one of the toughest conferences in the nation. In recent seasons, Vanderbilt's football program has been steadily improving, but it has had to face traditionally powerful foes each year, such as Florida, Georgia, Tennessee, and Alabama. Last season, however, Vanderbilt won six games, which was a signal achievement for the university. Now six wins would not get a team anywhere close to a playoff berth, but the bowl system permitted those young men to enjoy an appropriate reward for what was an historic achievement at their university. That opportunity likely would not exist in a playoff world.

There are many such stories every season. In the ACC, Wake Forest, which has one of the smallest undergraduate enrollments of any university in the Football Bowl Subdivision, struggled to compete against very tough competition in football. Yet in 2006, the team had a superb season, won our conference championship for the first time in 36 years, and had the opportunity to play in a BCS game. The program has continued its success since that time. The bowl system permits institutions that have such success to reward their teams and fans and to celebrate their accomplishments in a way that no other post-season structure contemplates. That is the reason that it has existed for more than a century.

The BCS has built on that success and enhanced it. The number of bowl games – and, of course, the number of opportunities for student-athletes – has nearly doubled since the BCS began in 1998. Each year the NCAA receives additional applications from cities that wish to obtain licenses to host post-season games. One of the bigger difficulties that we have in college football today is producing enough winning teams to provide matchups for the number of entities that wish to host bowl games. That is a happy problem to have.

As I mentioned, the BCS is not perfect, and those of us who must administer it have never claimed it to be. Nonetheless, it has given this vibrant game the most exciting regular season in all of sports. Most important, it is the best system for crowning a national champion that can obtain the support of all of the conferences and institutions that are necessary to make such a championship possible. It fits well within our academic and athletic calendars, is fully consistent with the educational missions of our colleges and universities, and maximizes the number of post-season opportunities for our student-athletes, coaches, and fans. We are always open to suggestions to improve the BCS or the game of college football as a whole, but many are persuaded that it is the best arrangement for the game and one that provides the greatest benefits for every institution, athlete, and fan. The historical record fully supports that conclusion.

Again, thank you for the opportunity to address these matters.

Mr. RUSH. The Chair now recognizes Mr. Thompson for 5 minutes or thereabouts.

**STATEMENT OF CRAIG THOMPSON**

Mr. THOMPSON. Thank you, Chairman Rush, Ranking Member Barton, and members of the subcommittee for holding this important hearing. I appreciate the opportunity to be here today.

The presidents of our nine member institutions believe there are five fundamental flaws with the current BCS system. They also feel criticism without a solution solves nothing. Therefore, the Mountain West Conference has submitted a proposal known as the BCS reform proposal which addresses each of those flaws.

First, BCS revenue distribution is grossly inequitable. There are six automatic qualifying conferences, known as AQ Conferences, whose champions are guaranteed access to lucrative BCS bowl games each year regardless of how they perform on the field. These conferences receive more than 87 percent of the revenue from the BCS, whereas the other five conferences, called Nonautomatic Qualifying Conferences, collectively receive under 13 percent.

Under the current system, conferences that perform in a similar manner are not treated the same. The Mountain West has performed well against the six Automatic Qualifying Conferences and interconference games over the past 4 years. Yet during that same span the BCS has paid each of these six conferences an average of \$78 million in revenue, while we received just \$18 million.

To illustrate the point, in 2008, the Mountain West and an AQ Conference each had one team playing the BCS bowl. We had three teams ranked in the top 16, all of whom finished above that conference's champion. Yet the AQ Conference still received almost 9 million more than the BCS for that year.

If the revenue were more fairly distributed, nonautomatic qualifying universities could use the additional funds to improve academic programs, increase scholarships, increase medical support for student athletes, and pursue a host of other beneficial purposes. The reform proposal would also result in considerable new revenue for all conferences so that all universities would benefit financially. In this economic climate, that is extremely important.

Second, the BCS relies on non-performance based standards to determine which conferences are guaranteed access. Specifically, the BCS uses bowl tie-ins and agreements to determine which conferences automatically qualify. Prearranged agreements trump results on the field. The reform proposal ensures that performance is the primary factor in determining which conference champions automatically qualify for the high-profile BCS bowls. Under the proposal, a conference has to win at least 40 percent of its interconference games against AQ Conferences over a 2-year period to earn an automatic bid.

Third, none of the 51 teams that play in non-AQ Conferences can realistically ever have the opportunity to win a BCS national championship, given how the current system is constituted. Such a result is patently unfair.

Again, in 2008, the Mountain West had the best interconference record against AQ Conference teams; and Utah had the best record in major college football. However, those student athletes did not

have an opportunity to compete for the national championship. Utah was eliminated this past season not by a team but by the BCS system.

The BCS incorrectly presumes that computers and pollsters can look at several outstanding teams and somehow determine which two deserve to play in a national championship game. To remedy this flaw, the reform proposal creates an 18 playoff. This will not only produce substantial new revenue, but it will also make the regular season and post season much more exciting.

Minimal regular season games will impact the national championship race under this proposal, and the number of post-season games with title implications will also increase exponentially. The playoff would only add about 1.5 weeks to the season during winter break and then only for two teams.

Fourth, the BCS relies on confusing computer formulas and pollsters to decide the BCS rankings. The reform proposal would use a well-informed committee like the committee in college basketball to make these important determinations.

Fifth, the BCS dictates unbalanced representation on its governing body. The reform propose would permit each conference and Notre Dame to have exactly one vote. Our presidents believe that, by remedying these five flaws, the BCS reform proposal helps to ensure higher education is sending the appropriate messages to students and is acting above reproach.

One of the primary objectives of universities is to ensure students graduate with a firm understanding of the principles of fundamental fairness and equitable treatment. Yet support of the current BCS system is not consistent with those principles. It is inconsistent with the message that if you work hard you have a chance to reach any goal. That is simply not true under the current BCS format.

Given the system's fundamental flaws, it is time for the BCS to act. It should join President Obama, Vice President Biden, and Members of Congress from both parties in acknowledging the need for change and take the appropriate steps now to develop a more equitable system.

Thank you very much for your time, and I look forward to answering questions.

Mr. RUSH. Thank you, Mr. Thompson.

[The prepared statement of Mr. Thompson follows:]

STATEMENT OF CRAIG THOMPSON  
COMMISSIONER, MOUNTAIN WEST CONFERENCE

COMMITTEE ON ENERGY AND COMMERCE, SUBCOMMITTEE ON  
COMMERCE, TRADE, AND CONSUMER PROTECTION

HEARING ON THE BOWL CHAMPIONSHIP SERIES: MONEY AND OTHER ISSUES OF  
FAIRNESS FOR PUBLICLY FINANCED UNIVERSITIES

May 1, 2009

Chairman Rush and Members of the Subcommittee, I am Craig Thompson, Commissioner of the Mountain West Conference (the "Mountain West" or the "MWC"). Thank you for inviting me here today to speak about the Bowl Championship Series ("BCS").

The BCS was formed to control the most lucrative postseason bowl games for universities whose teams play college football in the Football Bowl Subdivision ("FBS"). Each year, there are five BCS bowl games, including the "BCS national championship game."

Of the eleven FBS Conferences, under the current BCS system six are referred to as Automatic-Qualifying Conferences ("AQ Conferences"). These conferences' champions automatically qualify for a BCS bowl game every year, regardless of their record or ranking. The other five conferences are called Non-Automatic-Qualifying Conferences ("Non-AQ Conferences") because these conferences' champions do not automatically qualify for a BCS bowl game. Instead they must meet certain BCS criteria to earn a BCS bowl berth, and if two such Non-AQ universities meet the standards in the same year, practically speaking, only one of those Non-AQ universities will actually have an opportunity to play in a BCS game.

On March 4, 2009, the Mountain West Conference submitted a proposal (the "BCS Reform Proposal") to modify the BCS system. Our conference took this important step for four reasons. We wanted to (1) propose a solution that addresses each of the five fundamental flaws with the BCS system; (2) enable all FBS universities to earn more revenue from college football, which additional funds can be used for important athletic and academic purposes; (3) ensure that higher education sends the appropriate messages to students and the public concerning fundamental fairness, equitable treatment, and the opportunity to reach your goals; and (4) increase the excitement of the college football season for universities and their fans.

After discussing each of these issues, I would also like to address a few related matters.

1. First Objective of the BCS Reform Proposal is to Propose a Solution that Addresses the Five Flaws in the BCS System

As the Mountain West Board of Directors stated in an April 1, 2009 letter to the BCS, "[t]he President and Vice President of the United States, members of Congress, college coaches and administrators, football players, sports columnists and fans have all criticized the BCS system, and have asked for change." Anyone who follows college football knows the BCS has been subject to a mountain of criticism, virtually since its inception. But the MWC believes that criticism without a solution solves nothing. Accordingly, we analyzed the current BCS system carefully and recognized there were five fundamental flaws with the current system:

- (1) The BCS Revenue Distribution is Grossly Inequitable
- (2) The BCS Relies on Non-Performance-Based Standards to Determine Automatic-Qualifying Conferences
- (3) The BCS is Based on a Flawed Premise, and Nearly Half of the FBS Teams are Eliminated from the National Championship Even Before the Season Begins
- (4) The BCS Uses Confusing Computer Formulas and Pollsters to Determine Rankings
- (5) The BCS Dictates Unbalanced Representation of Conferences on the BCS Presidential Oversight Committee

We then developed a proposal, the BCS Reform Proposal, which was tailored to address each of these flaws, as follows:

**Flaw No. 1 The BCS Revenue Distribution is Grossly Inequitable**

If two conferences each have exactly one team play in a BCS bowl game, should they each receive the same payout from the BCS that year? We think so.

Should it make a difference if one of those conferences has three teams ranked in the top 16 of the final BCS regular-season standings, whereas the other conference's champion is only ranked 19th? We don't think so. We believe the more equitable approach is that both conferences should still receive the same payout from the BCS for that year because they each had exactly one team play in a BCS bowl game. Of course, an argument certainly exists that the first conference, which had three teams ranked in the top 16, should receive a somewhat higher payout from the BCS than the second conference.

But what cannot be debated is this: there is no way the second conference – the one with its champion ranked 19<sup>th</sup> – should receive a higher payout than the first conference – the one with three teams in the top 16. And there is no way that such a higher payout should be approximately \$9 million more. Yet, that is exactly what occurs under the current BCS system.

For example, in 2008, the Mountain West and an AQ Conference each had one team play in a BCS bowl. But the Mountain West had three teams ranked in the top 16 in the final BCS regular-season standings, all of whom finished above the AQ Conference's champion and automatic qualifier – who finished ranked 19<sup>th</sup>. Yet, the AQ Conference still received almost \$9 million more from the BCS than the Mountain West. The AQ Conference received \$18.6 million while the Mountain West received only \$9.8 million.

In that same year, the Mountain West also had two teams ranked in the top 11 of the final regular-season BCS standings and another AQ Conference had none. That AQ Conference, like the Mountain West, had only one BCS bowl berth. Yet, that AQ Conference still received \$18.6 million, almost \$9 million more than the Mountain West.

Such economic disparities and anomalies cannot be justified and should not continue. Many have said the current BCS system ensures a permanent underclass. They are right.

The BCS Reform Proposal, on the other hand, calls for a more equitable distribution of revenue among all FBS conferences. Specifically, each conference that has exactly one team participate in a BCS bowl game in a given year should receive the same amount of revenue from the



BCS for that year.

**Flaw No. 2 The BCS Relies on Non-Performance-Based Standards to Determine Automatic-Qualifying Conferences**

Football is defined by performance on the field. Teams play the game to win. Yet, the current BCS system ignores that fundamental fact. Instead, it relies on non-performance-based standards to determine which conferences are AQ Conferences (i.e., conferences whose champions automatically qualify for a lucrative BCS bowl game each year regardless of how they perform that year). Specifically, the BCS uses bowl tie-ins and agreements to determine which conferences are AQ Conferences. Therefore, under the BCS system, pre-arranged agreements trump performance on the field with respect to automatic access to the BCS bowl games.

The BCS Reform Proposal, conversely, ensures that performance on the field – rather than non-performance-based criteria – is the primary factor in determining which teams qualify for lucrative BCS bowls. Under the BCS Reform Proposal, a conference has to win at least 40% of its inter-conference games against AQ Conference teams over a two-year period to become an AQ Conference.

Under this standard, seven conferences easily met the mark over the past two years. The percentages for these seven conferences ranged from a high of 55% (MWC) to a low of 45% (SEC). With respect to the four conferences that did not meet the mark, the percentages ranged from a high of 18% (WAC) to a low of 8% (C-USA).

Moreover, the range of percentages for both the top group and the bottom group are nearly identical even if a four-year time period is chosen and even if bowl game results are included. In that event, for the same top seven conferences, the percentages range from 62% (Pac-10) to 44% (Big 10). For the other four conferences, the percentages range from 17% (WAC) to 7% (Sun Belt).

Because the current system does not use actual performance on the field as the determining factor, a conference like the Mountain West is relegated to Non-AQ Conference status – even though its on-field performance demonstrates that it belongs with the other AQ Conferences. This discrimination has a tremendously negative economic and competitive impact on Mountain West universities.

**Flaw No. 3 The BCS is Based on a Flawed Premise, and Nearly Half of the FBS Teams are Eliminated from the National Championship Even Before the Season Begins**

The current BCS system is based on a fundamentally-flawed premise: that computers and pollsters can look at six or seven outstanding teams, all of whom have lost no more than one game (and few, if any, of whom have played each other), and decide which are the two best and should play in the national championship game. But, it is impossible to know which of those great teams are actually the best – unless they play each other. Computers don't know, pollsters don't know, and the BCS surely does not know.

Moreover, nearly half of the FBS teams are eliminated from the national championship even before the season begins: None of the 51 teams that play in Non-AQ Conferences can, for all practical purposes, ever win a BCS national championship given how the current system is constituted. These teams are, in effect, done before day one. A system that produces this result is patently unfair.

In 2008, for example, the MWC had the best inter-conference record (among all 11 FBS conferences) against AQ Conference teams. Utah, the Mountain West champion, had a better regular-season record, 12-0, than any of the 65 AQ Conference teams. Yet Utah did not have an opportunity to compete for the national championship. Utah was eliminated this past season not by a team, but by a system – the BCS. Indeed, no Non-AQ Conference team has ever been permitted to play for the national championship since the BCS' inception.

To remedy this flaw, the BCS Reform Proposal creates an eight-team playoff, with the major bowls constituting the quarterfinal games. The BCS Reform Proposal will only extend the season by a week and a half on average (and sometimes by as little as 8 days), and then only for two teams. The remaining 117 FBS institutions would likely finish their season before the beginning of the second semester. In contrast, the NCAA FCS, Division II and Division III Football Championships playoffs last 21, 28 and 29 days, respectively – in some cases conflicting with final exams.

Under the BCS Reform Proposal, deserving conference champions and other great teams will finally have an opportunity to compete for the national championship. Additionally, not one team will be done before their season has begun – let alone 51 teams. Thus, a true college football national champion will be settled by the players on the field – rather than by the pollsters and computers off the field.

#### **Flaw No. 4 The BCS Uses Confusing Computer Formulas and Pollsters to Determine Rankings**

The current BCS system uses confusing computer formulas and pollsters to determine the rankings that decide which teams qualify for the BCS bowls. The computer formulas are so complicated and confusing that the University of Texas requested that one of the BCS computer rankings providers come to Austin to provide them with guidance on the assumptions underlying the system. After they left, Texas coach Mack Brown reportedly stated that he was more confused than ever.

As for the pollsters, a number of them admit that they rarely, if ever, watch some of the teams they are evaluating. When some of the voters in the Harris Interactive Poll, which helps determine the BCS standings and, ultimately, the title-game match-up, were asked about the University of Utah, the responses were as follows:

“I did not see them play [in the regular season],” Bobby Aillet said.

“I didn't see any live games,” Lance McIlhenny said. “I just [saw] highlights.”

“I just thought that the Mountain West is not as tough a conference [as others],” McIlhenny, a former SMU player, said. “Apparently I was wrong.”

“I don't recall if I saw them play specifically during the regular season,” David Housel said. “I don't remember a specific game.”

“I wouldn't say I probably was wrong. I was wrong,” said Housel, a former Auburn athletic director who had the Utes ranked 10<sup>th</sup>.

Teams from conferences such as the Mountain West are viewed far less often by many pollsters than teams from the current AQ Conferences. What's more, pollsters have no obligation to ensure they have all the necessary information to make the most sound judgments. In essence, their votes can easily be based on long-held perceptions, rather than knowledge. Moreover, there is a pre-season poll bias in favor of the AQ Conferences, and against the Non-AQ Conferences. The Associated Press (which was previously a component of the BCS standings) has never ranked a Non-AQ team higher than #15 in the preseason poll during the BCS era. The preseason AP and Coaches' Polls have ranked three or more Non-AQ teams just once – despite the fact that at least three Non-AQ teams were ranked in the previous season's final polls five out of 10 years. In both 2003 and 2004, five Non-AQ teams were ranked in the final AP and Coaches' Polls.

Given this bias, Non-AQ Conference teams garner far less points in the preseason polls each year than they do in the final polls. Because these teams start so far back in the polls, they are at a tremendous disadvantage.

The BCS Reform Proposal calls for a replacement of the computers and pollsters with a 12-member selection committee similar to the Committee that determines the field for the college basketball championship. The committee members will be charged with gathering and analyzing all of the pertinent data before ranking the teams. The committee will closely follow the teams over the course of a season to rank them as accurately as possible. As Chair of the NCAA Division I Men's Basketball Committee several years ago, I am completely aware of the painstaking efforts made to ensure that the people deciding who receives bids have all the information they could possibly need. The basketball committee members take their responsibility very seriously. College football teams and their fans deserve no less.

**Flaw No. 5 The BCS Dictates Unbalanced Representation of Conferences on the BCS Presidential Oversight Committee**

The BCS dictates unbalanced representation of conferences on the BCS Presidential Oversight Committee, which is the body that runs the BCS. As of now, the five Non-AQ Conferences share only one vote, while the six AQ Conferences and Notre Dame each have their own vote.

The BCS Reform Proposal equalizes the representation of the FBS conferences on the BCS Presidential Oversight Committee by allotting every conference and Notre Dame exactly one vote.

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The importance of adopting the BCS Reform Proposal is underscored by some of the harms arising from the current system's five flaws, which include limitations for football programs, other athletic programs, enrollment and student-athletes in conferences that do not enjoy automatic qualification.

Over the past four seasons, the AQ Conferences have received over \$492 million in BCS revenue (87.4% of the total), while the Non-AQ Conferences have received less than \$62 million (12.6% of the total). With respect to the football programs, this tremendous revenue disparity greatly impacts Non-AQ Conferences institutions' ability to compete effectively in the areas of recruiting, facilities, coaches' salaries and scholarships. By comparison, during the past five years, the six BCS AQ Conferences have received only 61% of the NCAA Division I Men's Basketball Tournament revenue.

Non-AQ Conferences are harmed in recruiting not only by the monetary differences but also by the lack of access to the national championship game. Some AQ Conference coaches have told recruits that if you go to a Non-AQ Conference school you'll have no chance to play in a national championship game.

Other athletic programs are impacted as well. Particularly in the current economic climate, Non-AQ Conference universities are challenged financially and may have insufficient funds to adequately support other athletic programs. Without the guaranteed revenues provided to the AQ Conference universities, these institutions find it more difficult to comply with Title IX requirements, which issues are exacerbated for those institutions that sponsor football.

The advantages that AQ Conference universities receive because of the inequities in the BCS system impact more than just athletics. Conferences who are guaranteed annual participation in BCS bowl games garner increased media attention and recognition for their member universities. The increased visibility for universities that play in a BCS bowl game can have a positive effect on enrollment applications. Accordingly, universities that are discriminated against with respect to opportunities to play in such games are denied opportunities to grow their student and, ultimately, alumni bases.

Student-athletes who compete in Non-AQ Conferences are also harmed by the BCS. There are over 6,000 such football student-athletes who do not have a realistic opportunity to compete for the national championship. This is the only sport among the 51 team championships the NCAA sponsors in three divisions where this is the case. In fact, every other division of college football has a playoff. In no other division of college football are student-athletes denied an opportunity to win it all – only here.

2. Second Objective of the BCS Reform Proposal is to Enable all FBS Universities to Earn More Revenue from College Football

The second objective of the BCS Reform Proposal is to provide far more revenue for all FBS universities, which can be used for athletic and academic purposes. The BCS Reform Proposal would result in considerable additional revenue for all FBS universities from two sources: television and bowls. The television revenue would increase substantially given the addition of three more bowl games. Such revenue would also increase because, under the BCS Reform Proposal there would be seven bowl games with national championship ramifications, rather than just one. New revenue would also be realized from the rights fees the extra bowls would certainly pay the FBS universities for those games.

In addition to the guaranteed revenues referenced above, this incremental extra funding would help meet both athletic and academic needs. The following are areas where additional funds could be utilized, including several which directly benefit student-athletes:

- Improved academic programs (additional academic advisors, additional tutors, upgrades to computer laboratories, summer school opportunities).
- Increased scholarships (both number and value).
- Increased medical support (additional athletic trainers, payment of student health care costs).

- Improved team travel (minimize missed class time).
- Facility improvements.
- Debt retirement (re-pay the university's general fund).
- Upgraded uniforms and equipment.
- Increased funding for Olympic sports (including possibly adding a sport to create more opportunities).

3. Third Objective of the BCS Reform Proposal is to Ensure that Higher Education Sends the Appropriate Messages to Students and the Public, and Supports a System that is Above Reproach

We believe that by remedying the five flaws in the current BCS system, the BCS Reform Proposal helps to ensure higher education is sending the appropriate messages to students and the public, and is acting beyond reproach. As educators, one of the primary objectives of universities is to ensure that their students graduate with a firm understanding of the principles of fundamental fairness and equitable treatment. Yet, support of the current BCS system is not consistent with those principles because it is fundamentally unfair and inequitable to (1) distribute revenue to similarly-performing conferences in an extremely inequitable manner; (2) use non-performance-based standards to determine which conferences' champions automatically play in BCS bowl games; and (3) purport to determine a "national" champion, yet effectively eliminate nearly half the FBS schools in the "nation" from the championship before the season begins.

In addition, students look to their leaders, including within their universities, to develop their outlook on issues. The correct message for higher education to send with respect to reaching one's goals should be as follows: if you work extremely hard and are successful in all of your endeavors, you will have a chance to reach any goal. But the current BCS system is inconsistent with this message. As noted above, nearly 6,000 students play for football teams that because of the BCS system have no realistic chance of winning the national championship no matter how hard they work, and no matter how successful they are on the field.

Higher education's position on issues – including this issue, which transcends sports – should be above reproach. As Senator DeWine stated at the 2003 BCS hearings, the BCS "needs to do more than survive legal scrutiny. It also must be fair." Similarly, as Scott Cowen, President of Tulane University, stated at the 2003 BCS hearings, a "system that requires the involvement of legal or legislative inquiry to determine its legality is not the kind of system our higher education institutions should have."

The Mountain West Board of Directors agrees with those views. The Board stated in its April 1, 2009 letter to the BCS that higher education should "reform the system before even more goodwill is lost and further resources are expended defending a system that the public overwhelmingly views as 'rigged' and 'corrupt.'" The time to do that is now – not five, 10 or 20 years from now. If you can fix something that is flawed, you don't wait.

The BCS is a highly-exclusive system that is derived from an interlocking arrangement with six conferences, the major bowls and a TV network, which group determines all pertinent aspects of the BCS system. Given these facts, it is hardly surprising that the system has received so much scrutiny. Virtually everyone seems to know it is fundamentally flawed. It is time for the BCS to acknowledge the need for change and take the appropriate steps to develop a more equitable system.

4. Fourth Objective of the BCS Reform Proposal is to Increase the Excitement of the College Football Season for Universities and their Fans

The final objective of the BCS Reform Proposal is to increase the excitement of the college football season for both universities and their fans. Under the BCS Reform Proposal, far more regular-season games will have national championship implications, making the regular season much more exciting. In fact, depending on how you perform the calculations, we estimate there will be at least 200% to 400% more regular-season games with national championship implications under the BCS Reform Proposal than there are under the current system. That's a lot of games. Representative examples of just a few of the games that would have had national championship implications under the BCS Reform Proposal, but did not under the current system in 2008, include Boise State at Oregon, Virginia Tech at Nebraska, Oregon State at Utah, Minnesota at Illinois, Oklahoma State at Missouri, BYU at TCU, TCU at Utah, Oklahoma State at Texas Tech, Boston College at Florida State, BYU at Utah, Fresno State at Boise State, West Virginia at Pittsburgh, Oregon State at Oregon and Boston College at Virginia Tech.

Additionally, the current system greatly hinders postseason excitement because, with the exception of the national championship game itself, no BCS bowl game affects which team captures the national championship. There are currently 34 postseason games, and only one of them has national championship implications. Under the BCS Reform Proposal, seven games would have national championship implications. The three-week playoff build-up to a national championship would also create tremendous excitement.

**A Few Related Matters**

1. Comparison of the BCS to the Prior System is Generally Irrelevant, Yet Still Telling in One Important Respect

The issue today is whether the current BCS system is flawed and needs to be modified due to the harms it is causing. The issue is not whether the current system is better or worse than the prior system.

Having said that, it is worth noting that the BCS system, by guaranteeing tremendous competitive and revenue advantages every single year to the AQ Conference teams at the expense of the Non-AQ Conference teams, is actually significantly worse than the old system in one very important respect. The BCS system ensures for as long as the system is in place that there will be "Haves" and "Have Nots."

Under the BCS system, as indicated earlier, bowl tie-ins and pre-arranged agreements (all of which favor the AQ Conference teams) trump performance on the field with respect to automatic access to the BCS bowl games, which are by far the most high-profile and lucrative games. Moreover, even where a Non-AQ Conference team plays in a BCS bowl game, its conference still receives many millions of dollars less than each of the AQ Conferences.

Under the old system, which was a more open system, a team like the University of Miami could come out of nowhere as an independent and gain national prominence and win multiple championships. Other then-independent teams were able to do the same thing. Indeed, even

BYU won a national championship under the old system as a member of what is now a Non-AQ Conference. All of that occurred because the old system didn't effectively prevent teams who weren't in the major conferences from winning the championship, as the current system does for all practical purposes (with the exception of Notre Dame). But once again, the important point here is that the current system is flawed, and those flaws need to be addressed.

2. The BCS Reform Proposal's Impact on Academics and Student-Athletes

As discussed earlier, the BCS Reform Proposal could enhance the student-athlete experience, while also allowing universities to set a positive example – without negatively impacting academics. Increased revenues could be used for athletics or academic programs and scholarships. Taking action to establish a more equitable system would speak far more loudly than any words. The length of the season would not be significantly impacted, and students are generally on break (or at most in the first week of school) when the championship game would occur. Final exams would have been completed a month earlier. The minimal impact on academics, if any, would pale in comparison to that of March Madness – which involves 65 teams, at least four of whom are competing for more than three weeks during the middle of a semester.

In addition, the physical demands of the BCS Reform Proposal would not be an undue burden for the football student-athletes. The two teams in the championship game would play 15 or 16 games that season. Athletes younger, older and the same age as these athletes play approximately as many or more football games in a season. High school teams that reach the championship game can play up to 15 games a season in a number of states, while teams in other divisions of college football can play 16 games in a season if they make it to the national championship game. Unlike those other groups, football student-athletes in FBS conferences have approximately a month off before their BCS bowl games, resulting in far more rest during the season than any of these other athletes.

3. The BCS Reform Proposal Will Help the BCS Bowls While Not Harming the Non-BCS Bowls

For the BCS bowls, the BCS Reform Proposal will be a tremendous boon. Under the BCS Reform Proposal, the BCS bowl games will have national championship ramifications every single year (i.e., 100% of the time), instead of once every four years (i.e., 25% of the time). The Virginia Tech/Cincinnati Orange Bowl was the lowest-rated BCS bowl game ever. Is there any doubt that a quarterfinal Orange Bowl match-up between two of the top-eight-ranked teams would have been a far bigger attraction?

Simply put, the public is clamoring for these games, and between university fans and local citizens in the cities where the bowls are located, they, as well as the semifinals and finals, should have no trouble selling out. Indeed, the NCAA has far more ticket requests for its Final Four in men's basketball than it can even handle, and even the regional finals sell out every year. Yet, football is unquestionably more popular in this country than basketball.

As for the non-BCS bowls, they are generally played in December (with a couple of exceptions), whereas the playoffs under the BCS Reform Proposal would be in January of the following year. Therefore, people who watch the non-BCS bowls will still do so because there is absolutely no conflict between them and playoff games that will be played the following month. Moreover, the non-BCS bowls have reportedly thrived since the BCS' inception, even though the BCS added a national championship game. A couple of playoff games in January should not negatively impact those non-BCS bowls.

4. The BCS Reform Proposal Will, at a Minimum, Greatly Diminish the Controversies

Caused by the Current System

By addressing the glaring revenue and competitive inequities under the current system, the BCS Reform Proposal should put an end to the tremendous controversy swirling around the current system as to these matters. It will also greatly reduce any controversy relating to which teams should have an opportunity to compete for the national championship once the regular season ends. While the 9<sup>th</sup> place team under the BCS Reform Proposal may be disappointed they were not ranked 8<sup>th</sup> by the committee among the BCS bowl teams, and therefore were not in the playoff, that team is generally in a far different position than teams near the top of the standings are today.

For example, in 2008, if the BCS Reform Proposal had been in effect, Ohio State may have complained if it was left out of a playoff, but Ohio State's position under such a scenario would have been far different than what Texas, USC and Utah had to confront while being left out of an opportunity to compete for the title. Ohio State lost convincingly to USC and fell to Penn State as well in 2008. In contrast, many people thought one-loss USC was the best team in the country, one-loss Texas had beaten Oklahoma (who nevertheless played in the national championship game), and Utah was unbeaten and defeated the only team (Oregon State) that had beaten USC. March Madness has controversy each year over the last teams left out, but few are advocating a change to the system because the level of controversy is small. The same would be true under the BCS Reform Proposal, which would greatly reduce the level of controversy hovering over the BCS system today.

Thank you for the opportunity to speak with you today about these matters.





AIR FORCE	NEW MEXICO	UNLV
BYU	SAN DIEGO STATE	UTAH
COLORADO STATE	TCU	WYOMING

CRAIG THOMPSON, COMMISSIONER

The Mountain West Conference submits the following proposal (the “MWC Proposal”) to reform the Bowl Championship Series (“BCS”) to its fellow Football Bowl Subdivision (“FBS”) conferences and the University of Notre Dame. The MWC Proposal covers the 2010 through 2013 seasons.<sup>1</sup> The MWC Proposal addresses the inequities under the current BCS system and enables the national championship to be decided (1) in the proper location – on the field of play, and (2) by the appropriate parties – the players.

#### 1. Determining Which Conferences are Automatic-Qualifying Conferences

- a. **Criteria for a conference to automatically qualify** – An FBS conference will be an “AQ Conference” (its champion will automatically qualify each year for a BCS bowl berth) if over a two-season period the conference (1) has played a minimum of twenty inter-conference regular-season games against the six current AQ Conferences, and (2) has a minimum winning percentage of .400 in these games.<sup>2</sup>
- b. **Conferences that have earned automatic qualification** – As indicated in Table 1 of the Appendix, the ACC, Big East, Big Ten, Big 12, MWC, Pac-10, and SEC conferences will be AQ Conferences for the 2010 through 2013 seasons based on their performance during the previous two seasons.<sup>3</sup>

Note 1: As indicated in Table 2 of the Appendix, even if the criteria used in paragraph 1(a) were employed over a four-season period (instead of a two-season period), and even if the criteria included bowl games against the current AQ Conferences as well, the same seven conferences listed in paragraph 1(b) above would qualify as AQ Conferences.

Note 2: Over the past five postseasons, only the Pac-10 (.750), MWC (.700), SEC (.636) and Big 12 (.545) have winning records against AQ Conference teams.

<sup>1</sup> This period coincides with the four-year term of the proposed ESPN agreement.

<sup>2</sup> A conference that has played fewer than 20 such games can be an AQ Conference if its winning percentage would still be at least .400 if it had lost the remaining games needed to reach the 20-game benchmark. For example, a conference with a 10-9 record would be an AQ Conference because even if it had lost a 20<sup>th</sup> inter-conference game, its 10-10 record and .500 winning percentage would be sufficient.

<sup>3</sup> One or more of the four remaining FBS conferences can become AQ Conferences before 2013 if they satisfy the criteria under paragraph 1(a).

## **2. Determining Other Universities that will Earn BCS Bowl Berths**

- a. **A new committee is created** – The BCS Standings will no longer be based upon computer formulas and pollsters. Instead, a 12-member selection committee (“Committee”) comprised of one representative from each of the 11 FBS conferences and one representative from Notre Dame will determine these standings. This Committee will carefully study and evaluate the teams over the course of a season before determining the rankings. The Committee will rank the Top 25 teams at the end of each regular season, and these rankings will constitute the final BCS Standings.
- b. **The Committee will determine the remaining BCS bowl teams** – Notre Dame and a champion of a non-automatic-qualifying conference (“Non-AQ Conference”) may automatically qualify for a BCS bowl berth in a given year, depending upon their rankings in the final BCS Standings in that year. The minimum rankings in the final BCS Standings that Notre Dame or a Non-AQ Conference champion must have to automatically qualify for a BCS bowl in a given year will not change from that required under the current system. The Committee will also select the remaining BCS bowl teams based on the final BCS Standings.

## **3. Determining the National Champion**

- a. **Five BCS bowls** – The Rose Bowl, Fiesta Bowl, Orange Bowl, Sugar Bowl, and a new fifth BCS bowl game (the “Fifth BCS Bowl”) will be played the first week of January. The Fifth BCS Bowl will be awarded to a bowl that currently hosts a non-BCS game. Requests for proposals will be solicited from other bowls.
- b. **Ranking the BCS bowl teams** – Using the Committee’s Top 25 standings, the Committee will rank the BCS bowl teams from 1 to 10.
- c. **Two lowest-ranked BCS bowl teams will play in Fifth BCS Bowl** – The two lowest-ranked BCS bowl teams will play in the Fifth BCS Bowl, and their seasons will end at the conclusion of that game.
- d. **Top eight BCS bowl teams will play in the Rose, Fiesta, Orange or Sugar Bowls** – The other eight BCS bowl teams (the “Top Eight BCS Bowl Teams”) will play in either the Rose Bowl, Fiesta Bowl, Orange Bowl, or Sugar Bowl (the “Top Four BCS Bowl Games”).
- e. **Preserving bowl tie-ins** – To the extent that the champions of the ACC, Big Ten, Big 12, Pac-10, and SEC are Top Eight BCS Bowl Teams, they will play in their respective bowl tie-ins.<sup>4</sup>

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<sup>4</sup> If the champion of the ACC, Big Ten, Big 12, Pac-10, or SEC is one of the two lowest-ranked BCS bowl teams, that team will play in the Fifth BCS Bowl.

- f. **Choosing the remaining match-ups for the Top Four BCS Bowls** – The Committee will choose the games in which the remaining Top Eight BCS Bowl Teams will play.<sup>5</sup>
- g. **Semi-Finals and National Championship Game** – The winners of the Top Four BCS Bowl Games will each play in a semi-final game (the “Semi-Finals”) approximately one week after their bowl games conclude.<sup>6</sup> The winners of the Semi-Finals will play in the National Championship Game approximately one week after the Semi-Finals.
- h. **Hosts for the Semi-Finals and the National Championship Game** – The Rose, Fiesta, Orange, Sugar and Fifth BCS Bowls will be given the first opportunity to host the Semi-Finals on a rotating basis. If these bowls are not interested in hosting the Semi-Finals, requests for proposals will be solicited from other bowls. The Rose, Fiesta, Orange, and Sugar Bowls will host the National Championship Game once every four years in addition to the game they host the first week of January.

#### 4. Other Matters

- a. **Presidential Oversight Committee** – The composition of the BCS Presidential Oversight Committee will be modified to include one voting member from each FBS conference and Notre Dame.
- b. **Revenue calculations** – An equitable revenue calculation will be determined once all revenue, including from television and the bowls, is known.

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<sup>5</sup> In making these determinations, the Committee will seek to avoid regular-season rematches, and, to the extent reasonably practicable, pairing any of the top three-ranked teams against each other.

<sup>6</sup> The Committee will determine the pairings for the Semi-Finals. The Committee will designate that the highest-ranked team remaining play the lowest-ranked team remaining in one of the Semi-Finals, with the other two teams playing in the other Semi-Final, unless the Committee determines that a very strong justification exists for a different pairing.

## APPENDIX

**TABLE 1**

<b>Inter-Conference Regular-Season Records Against AQ Conferences (2007 - 2008)</b>	
<b>Conference</b>	<b>Record</b>
MWC	16-13 (.552)
ACC	22-18 (.550)
Big Ten	10-9 (.526)
Pac-10	10-9 (.526)
Big East	14-15 (.483)
Big 12	12-14 (.462)
SEC	13-16 (.448)
WAC	6-28 (.176)
MAC	11-57 (.162)
Sun Belt	5-43 (.104)
C-USA	4-44 (.083)

**TABLE 2**

<b>Inter-Conference Regular-Season and Postseason Records Against AQ Conferences (2005 - 2008)</b>	
<b>Conference</b>	<b>Record</b>
Pac-10	32-20 (.615)
SEC	43-36 (.544)
Big East	36-38 (.486)
Big 12	35-37 (.486)
MWC	29-32 (.475)
ACC	45-52 (.464)
Big Ten	29-37 (.439)
WAC	13-62 (.173)
MAC	17-109 (.135)
C-USA	11-92 (.107)
Sun Belt	6-78 (.071)

**Comparison of Current BCS System and the BCS Reform Proposal**

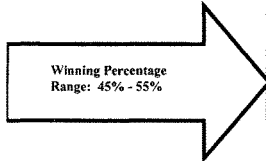
<u>What Needs to be Determined</u>	<u>Current BCS System</u>	<u>BCS Reform Proposal</u>
<b>Revenue Distribution among the Conferences</b>	Six Conferences Each Receive Millions More than the Other Five Conferences Each Year, Regardless of Performance	Calls for Equitable Revenue Distribution, Based on Performance of Conferences
<b>Which Conferences Automatically Qualify for BCS Bowl Games Every Year</b>	Non-Performance-Based Standard  Bowl Tie-Ins and Agreements	Performance-Based Standard  Results of Inter-Conference Games Against Automatic-Qualifying Conferences
<b>The National Champion (Once the Regular Season is Completed)</b>	Selects 2 Teams to Compete for the National Championship  More than 50 Teams Are Effectively Eliminated Before the Season Begins  Numerous Outstanding Conference Champions are Eliminated at the End of the Season Because Only Two Teams are Permitted to Compete for the National Championship	Selects Top 8 Teams to Compete for the National Championship  No Teams are Eliminated Before the Season Begins  Allows the National Champion to be Determined On the Field by the Players, Rather than Off the Field by Computers and Pollsters
<b>The BCS Standings (Which Universities Receive BCS Bowl Berths)</b>	Pollsters -- Some Admit they Rarely Watch the Teams they are Evaluating  Computers -- Complex, Confusing Formulas	Committee -- Tasked with Gathering and Analyzing All Pertinent Data Before Making Decisions
<b>Composition of the BCS Presidential Oversight Committee</b>	Six Conferences and Notre Dame Each Have a Separate Vote  Other Five Conferences Share Only One Vote	Each Conference has its Own Vote, as does Notre Dame

**CONFERENCE STRENGTH BASED  
ON PERFORMANCE ON THE FIELD**

**2007 - 2008**

**Inter-Conference Regular-Season  
Records Against AQ Conferences  
(2007 - 2008)**

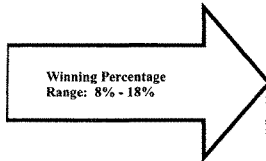
**Top Seven Conferences by Percentages**



Conference	Record
MWC	16-13 (.552)
ACC	22-18 (.550)
Big Ten	10-9 (.526)
Pac-10	10-9 (.526)
Big East	14-15 (.483)
Big 12	12-14 (.462)
SEC	13-16 (.448)

**Inter-Conference Regular-Season  
Records Against AQ Conferences  
(2007 - 2008)**

**Other Four Conferences by Percentages**



WAC	6-28 (.176)
MAC	11-57 (.162)
Sun Belt	5-43 (.104)
C-USA	4-44 (.083)

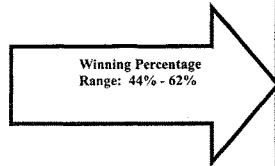
**CONFERENCE STRENGTH BASED  
ON PERFORMANCE ON THE FIELD**

2005 - 2008

**Inter-Conference Regular-Season and Postseason  
Records Against AQ Conferences  
(2005 - 2008)**

**Top Seven Conferences by Percentages**

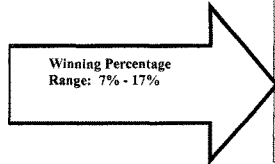
Conference	Record
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Big East	36-38 (.486)
Big 12	35-37 (.486)
MWC	29-32 (.475)
ACC	45-52 (.464)
Big Ten	29-37 (.439)



**Inter-Conference Regular-Season and Postseason  
Records Against AQ Conferences  
(2005 - 2008)**

**Other Four Conferences by Percentages**

WAC	13-62 (.173)
MAC	17-109 (.135)
C-USA	11-92 (.107)
Sun Belt	6-78 (.071)



**BCS DISTRIBUTIONS – 2007-2008**

Conference	Inter-Conference Regular- Season Records Against AQ Conferences (2007 - 2008)	Aggregate BCS Distributions for 2007-2008
	<u>Top Seven Conferences by Percentages</u>	
MWC	16-13 (.552)	\$13,512,800
ACC	22-18 (.550)	\$36,965,634
Big Ten	10-9 (.526)	\$45,997,717
Pac-10	10-9 (.526)	\$36,997,717
Big East	14-15 (.483)	\$36,965,634
Big 12	12-14 (.462)	\$45,975,632
SEC	13-16 (.448)	\$45,997,717

Conference	Inter-Conference Regular- Season Records Against AQ Conferences (2007 - 2008)	Aggregate BCS Distributions for 2007-2008
	<u>Other Four Conferences by Percentages</u>	
WAC	6-28 (.176)	\$12,394,000
MAC	11-57 (.162)	\$3,602,400
Sun Belt	5-43 (.104)	\$3,591,600
C-USA	4-44 (.083)	\$5,275,200



**BCS DISTRIBUTIONS – 2005-2008**

Conference	Inter-Conference Regular- Season and Postseason Records Against AQ Conferences (2005 - 2008)	Aggregate BCS Distributions for 2005-2008
	<u>Top Seven Conferences by Percentages</u>	
Pac-10	32-20 (.615)	\$71,680,837
SEC	43-36 (.544)	\$85,180,836
Big East	36-38 (.486)	\$71,648,753
Big 12	35-37 (.486)	\$80,658,752
MWC	29-32 (.475)	\$18,092,400
ACC	45-52 (.464)	\$71,648,753
Big Ten	29-37 (.439)	\$89,680,836

Conference	Inter-Conference Regular- Season and Postseason Records Against AQ Conferences (2005 - 2008)	Aggregate BCS Distributions for 2005-2008
	<u>Other Four Conferences by Percentages</u>	
WAC	13-62 (.173)	\$22,452,000
MAC	17-109 (.135)	\$ 6,617,200
C-USA	11-92 (.107)	\$ 8,811,600
Sun Belt	6-78 (.071)	\$ 5,994,800

## NCAA Football Post-Season Format: Current System vs. BCS Reform Proposal

Current System		BCS Reform Proposal	
<b>2007</b>		<b>2007</b>	
<b>Date</b>	<b>Bowl</b>	<b>Date</b>	<b>Bowl</b>
January 1	Rose Bowl	January 1	Rose Bowl
January 1	Fiesta Bowl	January 1	Fiesta Bowl
January 2	Orange Bowl	January 2	Orange Bowl
January 3	Sugar Bowl	January 3	Sugar Bowl
January 8	National Championship Game (Phoenix)	January 4-6	"5th" BCS Bowl
		January 8-9	Semi-Final 1 (Rose Winner vs. Fiesta Winner)
		January 9-10	Semi-Final 2 (Orange Winner vs. Sugar Winner)
		January 16-17	National Championship Game
<b>2008</b>		<b>2008</b>	
<b>Date</b>	<b>Bowl</b>	<b>Date</b>	<b>Bowl</b>
January 1	Rose Bowl	January 1	Rose Bowl
January 1	Sugar Bowl	January 1	Sugar Bowl
January 2	Fiesta Bowl	January 2	Fiesta Bowl
January 3	Orange Bowl	January 3	Orange Bowl
January 7	National Championship Game (New Orleans)	January 4-5	"5th" BCS Bowl
		January 8-9	Semi-Final 1 (Rose Winner vs. Sugar Winner)
		January 9-10	Semi-Final 2 (Fiesta Winner vs. Orange Winner)
		January 16-17	National Championship Game
<b>2009</b>		<b>2009</b>	
<b>Date</b>	<b>Bowl</b>	<b>Date</b>	<b>Bowl</b>
January 1	Rose Bowl	January 1	Rose Bowl
January 1	Orange Bowl	January 1	Orange Bowl
January 2	Sugar Bowl	January 2	Sugar Bowl
January 5	Fiesta Bowl	January 5	Fiesta Bowl
January 8	National Championship Game (Miami)	January 6-7	"5th" BCS Bowl
		January 8-9	Semi-Final 1 (Rose Winner vs. Orange Winner)
		January 13-14	Semi-Final 2 (Sugar Winner vs. Fiesta Winner)
		January 20-21	National Championship Game

**Current System**

2010	
Date	Bowl
January 1	Rose Bowl
January 1	Sugar Bowl
January 4	Fiesta Bowl
January 5	Orange Bowl
January 7	National Championship Game (Pasadena)

**BCS Reform Proposal**

2010	
Date	Bowl
January 1	Rose Bowl
January 1	Sugar Bowl
January 4	Fiesta Bowl
January 5	Orange Bowl
January 6-7	"5th" BCS Bowl
January 8	Semi-Final 1 (Rose Winner vs. Sugar Winner)
January 11-12	Semi-Final 2 (Fiesta Winner vs. Orange Winner)
January 18-19	National Championship Game

**FBS FOOTBALL TEAMS OVER THE PAST FIVE YEARS  
THAT WERE UNDEFEATED IN THE REGULAR SEASON  
YET DID NOT HAVE THE OPPORTUNITY TO COMPETE  
FOR THE NATIONAL CHAMPIONSHIP**

**2008**

MWC – Utah (12-0)

WAC – Boise State (12-0)

**2007**

WAC – Hawaii (12-0)

**2006**

WAC – Boise State (12-0)

**2004**

MWC – Utah (11-0)

SEC – Auburn (12-0)

WAC – Boise State (11-0)

\*Records listed do not include the result from bowl game.

**BEFORE THE INCEPTION OF THE BCS**

**TEAMS THAT WON OR WERE IN NATIONAL TITLE CONTENTION**

**1991**

Independent – Miami (12-0) – Won national title via polls.

**1989**

Independent – Miami (11-1) – Won national title via polls.

**1987**

Independent – Miami (12-0) – Won national title via polls.

**1986**

Independent – Penn State (12-0) – Won national title via polls.

Independent – Miami (11-1) – Lost to Penn State in Fiesta Bowl to finish second.

**1984**

WAC – BYU (13-0) – Won national title via polls.

**1982**

Independent – Penn State (11-1) – Won national title via polls.

SWC – SMU (11-0-1) – Finished second in the polls behind Penn State.

**1982**

Independent – Miami (11-1) – Won national title via polls.

**1976**

Independent – Pittsburgh (11-0) – won national title via polls.

Mr. RUSH. The Chair now recognizes Mr. Fox for 5 minutes or thereabouts for an opening statement.

**STATEMENT OF DERRICK FOX**

Mr. Fox. Thank you, Mr. Chairman.

Mr. Chairman, members of the subcommittee, and Ranking Member Barton, my name is Derrick Fox. I am the former chairman and currently at-large member of the Football Bowl Association. I am also president and CEO of the Valero Alamo Bowl in San Antonio, Texas.

I am here today representing the members of the Football Bowl Association, a group that includes all 34 post-season bowl games, from the members of the BCS to the smallest of the post-season events. These games are played in 29 different communities. Our association has been in existence for more than a quarter century, and we have grown as the number of bowl games has grown.

My purpose in appearing here today is to tell you the current bowl system, for whatever flaws it may have, is more than just alive and kicking but also it is to say that if the net result of your efforts is to create a playoff, we will believe you will, by substituting games for events, cause the demise of the bowl system.

My prepared statement details the current post-season structure, the benefits to the institutions, and the benefits to the players and their fans. But I would like to stress to you the benefits enjoyed by the communities where these games are played.

What does it mean to the 29 communities where the games are held? For one thing, since almost all the post-season bowl games are put on by charitable groups, with up to one-quarter of the proceeds from the games dedicated to the community, local charities receive tens of millions of dollars every year. Excluding television and print exposure these communities receive, it has been estimated the bowl games will generate in excess of \$1 billion in annual economic impact.

As I said before, we don't put on games; we put on events. Fans make the bowl experience a holiday experience, spending up to 1 week in the community, supporting pre- and post-Christmas businesses and hotels, restaurants, businesses, and visitor attractions.

Moreover, the title sponsor or presenting sponsors of bowl games frequently is a commercial institution headquartered in the host city whose integration in the community and vice versa is enhanced by the bowl game itself.

It is our firm belief that if a playoff is created the television dollars in the post season will flow to that playoff. Likewise, the sponsorship dollars. And when that happens, the mid-tier bowls and most assuredly the smaller bowls will simply go out of business.

Those who don't like the current system will say, well, that is the way of the world. But we don't believe that government should have any role in promoting the demise of the bowl games.

Let me address a situation I am quite familiar with, being the president and CEO of the Valero Alamo Bowl in San Antonio. Periodically, we have conducted an economic and fiscal impact analysis for our event. The most recent study was done 14 months ago between Penn State and Texas A&M. This was not some back-of-the-envelope estimate but, rather, a 30-page, intensive analysis per-

formed by the combined efforts of two respected sets of economists, Sports Strategic Marketing Services of Memphis, Tennessee, and Sports Economics of Oakland, California.

They concluded that there were more than 55,000 incremental visitors coming to San Antonio for the game who spent an average of just over \$740 during their stay. They stayed on average for 3.8 days, spending \$195 a day, plus an additional \$142 in tickets and other costs in the Dome. These visitors included not only the fans of the competing schools but the teams themselves and a full contingent of media covering the event. Their expenditures included lodging, food and beverage, transportation, rental cars, retail, and entertainment.

According to the study, the direct economic impact to the City of San Antonio was \$42.6 million. The total economic impact on the City of San Antonio, including the recognized multiplier, was \$73.7 million. And the incremental tax impact to the City of San Antonio, i.e., taxes collected as a result of the events, operations, and nonlocal visitors traveling to that city, would not have accrued to the region if it were not for the presence of the event being measured, was \$2.7 million.

Why do I cite all this? The reason is simple. We don't simply put on a game. We put on an event that runs the better part of a week. It involves not only the game itself but a kickoff function, a team fiesta, a pep rally, a great party, golf tournament, FCA breakfast, team days at Sea World, Alamo visit, hospital visits, you name it. It is an entire week's package for the student athletes and their fans.

Create a playoff and if the post-season games do not involve the home games on college campuses, you will create a 1 day in-and-out experience, if that, to replace the current bowl system.

The proponents of a playoff system simply do not understand the economics of the current system as one of events, not just games. No system is perfect. The bowls are not perfect, and the bowl championship series is not perfect. But certainly the concept of a playoff, as attractive as it may sound from experts on sports-talk radio, is rife with dangers for a system that has served collegiate athletics pretty well for 100 years.

It is easy to express the support of a playoff concept which has never been tested. All of your assumptions and theories work out perfectly. But the current structure of the bowl games, you protect the importance of the college football regular season and, as importantly, you have 29 communities committed to providing not just the financial support but a quality experience to the thousands of players and fans who attend each bowl game.

The current bowl system does reward over 6,800 student athletes, creates more than \$1 billion in annual combined economic impact to the host cities, donates one-quarter of a billion dollars annually to higher education, and gives millions to charitable endeavors in their own communities. Quite simply, it is a system that works well, benefits many, and ought not to be under attack.

Mr. Chairman, I would like as well to submit a copy of a letter from the Association to Members of Congress dealing with the subject.

Thank you for the opportunity to be here today.  
[The prepared statement of Mr. Fox follows:]

**STATEMENT OF DERRICK FOX**  
**President and Chief Executive Officer, Valero Alamo Bowl**  
**FOOTBALL BOWL ASSOCIATION**  
**May 1, 2009**

Mr. Chairman, members of the Subcommittee, and Ranking Member Barton, my name is Derrick Fox. I am the former Chairman and currently At-Large Board Member of the Football Bowl Association. I am also President and Chief Executive Officer of the Valero Alamo Bowl in San Antonio, Texas. I am here today representing the thirty-four members of the Football Bowl Association, a group that includes every post-season Bowl game from the members of the Bowl Championship Series (BCS) to the smallest of the post-season events. They range in age from the Rose Bowl, which has been in existence for nearly 100 years, to the one-year old EagleBank Bowl, which took place here at RFK Stadium last December.

Our association has been in existence for more than a quarter century and we have grown as the number of Bowls has grown.

Your purpose in holding this hearing – the third Congressional hearing on this subject in less than six years – is to examine financial issues dealing with post-season college football. My purpose in appearing before you today is to tell you, as I said in 2005, that the current Bowl system, for whatever flaws it may have, is more than just alive and kicking.

It is a system which benefits – in its current form – more than six thousand student-athletes, 12,000 band members, between 75,000 and 100,000 performers and millions of fans and community members. It is a system that attracts more fans than the Super Bowl, World Series, NBA Finals and NHL Stanley Cup – combined! We have done it again and again and intend to continue. If the result of what you are examining is to create a formalized post-season college football playoff – whether it's made up 16 teams and 15 games, eight teams and seven games or



even four teams and three games – it is our firm belief that you will cause the demise of the current system.

You will end up substituting games for events.

Mr. Chairman and members of the Subcommittee, let me describe to you first the current status of the Bowls and what they mean to the communities and schools and then what I firmly believe would happen with the advent of a post-season college football playoff.

#### **CURRENT POST-SEASON STRUCTURE**

In this past post-season, a total of 34 Bowl Games were played in 29 communities across the United States (and one in Canada) during the months of December and January. Five cities hosted two games<sup>1</sup>. In the past year, these 34 games attracted nearly 1.8 million fans, an average of 55,186 at each game or 87% of capacity. Seven of the games drew more than 100% capacity, while nine others drew in excess of 90%. Even in these difficult economic times, average bowl attendance was up by 11% over the previous year. Television ratings were up by ten percent over 2007-08.

We must be doing something right.

But what we are doing right is not just for ourselves.

#### **Benefits to the Communities**

What does it mean to the 29 communities where the games are held? For one thing, since almost all the post-season Bowl Games are put on by charitable groups and since up to one-quarter of the proceeds from the games are dedicated to the community, local charities receive tens of millions of dollars every year.

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<sup>1</sup> Glendale-Tempe (Phoenix), New Orleans, Orlando, San Diego, and Miami.

Excluding the television and print exposure that these communities require, it has been estimated that the Bowl games generate well in excess of a billion dollars in annual economic impact. As I said before, we don't put on games; we put on events. Fans make the Bowl experience a holiday experience, spending up to a week in the community, supporting pre- and post-Christmas business in hotels, restaurants, and visitor attractions. And this doesn't even take into account events such as the Tournament of Roses Parade or other events, centered around the game itself.

Moreover, the title sponsor or presenting sponsor of a Bowl Game frequently is a commercial institution headquartered in the host city, whose integration into the community – and vice versa – is enhanced by the game itself.

#### **Benefits to the Institutions**

This past year, 68 institutions participated in Bowl Games. That's over half of the major programs. Some of the opponents of the current system have complained that this is too many, but who is to make that judgment? What is wrong with rewarding winning teams with a post-season trip for the players and fans?

But the raw numbers of participants do not reveal the whole story. In the 2008-09 Bowl Game season, nearly a quarter of a billion dollars was paid out to the participating institutions, many of whom, under conference rules, shared that payout with other schools. In other words, schools that don't even qualify for the Bowls have a stake in Bowl Game revenue. In fact, more than 100 institutions shared in the Bowl Game payouts this past year. These team payouts generally are used to pay for scholarships for athletes in sports programs that are without broad marketplace support (*i.e.*, "non-revenue sports"). Moreover, it's expected that the payouts will

increase this year and, over the next ten years, it's estimated that the Bowl Game payouts to institutions will total more than \$2.5 billion.

Intangible benefits also flow to the institutions. Bowl Game appearances generate contributions to the institution and even increases in applications. From the Athletics Department standpoint, it can lead to additional season ticket sales, licensing income, and media exposure and contracts. (Donations often increase as a result of Bowl success – *i.e.*, boosters enjoy Bowl trips and schools can seek more funds, plus, the following year, the level of contributions to gain access to priority seating, for example, will increase.)

#### **Benefits to the Fans and Players**

Fans that travel to the Bowl Games enjoy the spectacle of college football, often combined with a late-year vacation, whether it's in Florida, Texas, California or any of the other dozen states where Bowl Games are played in the U.S.

But it's not just those college football fans who revel in the Bowl Game experience. This past season, in addition to the student-athletes, band members, cheerleaders, and halftime performers, alumni and administrators and all those in the host communities took part.

Anyone who criticizes the current Bowl Game structure should note the following comment from *The Tampa Tribune* a few years ago, before the 2005 Wisconsin-Georgia Outback Bowl:

"Maybe no one outside of Wisconsin and Georgia much cares who wins this game, but so what? A lot of people came to town, soaked up some sun, ate some good food, had a ball. At the end of it all, they play a football game and somebody wins. Actually everybody wins. Imagine that."

Indeed.

**A PLAYOFF WOULD CAUSE MORE HARM THAN GOOD**

I won't go into how each of the playoff scenarios would harm the current system, except to say that the bloggers of the Internet and the gurus of sports talk radio are incessant in their calls for a college football playoff, believing that it could magically appear. They don't consider how it would appear and what would be the potential negative effect of creating a playoff. They neither know about nor care about the fact that those billions – yes, billions – of dollars of economic impact are generated by the existing system.

It is our firm belief that if a playoff is created, the television dollars in the post-season will flow to that playoff. Likewise, the sponsorship dollars. And when that happens, the mid-tier bowls and most assuredly, the smaller bowls will simply go out of business. Those who don't like the current system will say that's the way of the world. But it's not and the government shouldn't have any role in promoting it.

Let me address a situation with which I am quite familiar, being both President and Chief Executive Officer of the Valero Alamo Bowl in San Antonio. Periodically, we have an Economic & Fiscal Impact Analysis done for our event. The most recent study was done for the game 14 months ago, between Penn State University and Texas A&M. This was not some "back-of-the-envelope" estimate, but rather a 30-page intensive analysis performed by the combined efforts of two respected sets of economists, Strategic Marketing Services of Memphis, TN and SportsEconomics of Oakland, CA.

After completing 480 surveys representing 1220 people, they concluded that there were more than 55,000 "incremental visitors" coming into San Antonio for the game, who spent an average of just over \$740 during their stay. They stayed, on average, for 3.8 days, spending \$195 per day, plus an additional \$142 for tickets and other costs inside the Alamodome. These

“visitors” included not only the fans of the competing schools, but the teams themselves, and a full contingent of media covering the game. Their expenditures include lodging, food and beverage, transportation, rental cars, retail, and entertainment.

According to the study, the direct economic impact to the City of San Antonio was \$42.6 million; the total economic impact to the City of San Antonio – including the recognized “multiplier effect” – was \$73.7 million; and the incremental tax impact to the City of San Antonio – “taxes collected as a result of the event’s operations and non-local visitors traveling to the City that would not have accrued to the region if it were not for the presence of the event being measured” – was \$2.7 million. (These include sales and use taxes, hotel occupancy taxes, and alcoholic beverage taxes; in many cases – but not San Antonio – it would also include rental car taxes.)

The visitor totals include what was spent at the event and what was spent at hotels, restaurants, retail, car rental, and so forth. There is also organizational spending by the event organizers to run the event.

(Indeed, even in your own backyard, here in Washington, D.C., where one of the two newest Bowls – the EagleBank Bowl – was put on for the first time last December, organizers cite to more than 2,000 room nights being sold during a slow time for the hospitality and tourism industry, and hundreds of thousands of dollars going to regional vendors as well as benefits to charities “serving the nation’s wounded warriors and the underprivileged youth of D.C.”)

Additionally – and this has no quantifiable economic number – the Economic and Fiscal Impact Analysis cites the “psychic impact” of putting on the event. As the report says:

Psychic impact is the emotional impact that is generated by hosting significant regional, national, or international events. Cultural [and sports] events often are

part of the fabric of a community....Sports or other cultural events are often a common connection that provides entertainment and conversation at the office or in the neighborhood, for instance. Most other industries do not provide the same degree of emotional impact.

Why do I cite all of this? The reason is simple: we don't simply put on a game, we put on an event, which runs the better part of a week. It involves not only the game, but a Kickoff Luncheon, the Team Fiesta and Pep Rally, the Great Party, a Golf Tournament, the Fellowship of Christian Athletes Breakfast, Team Days at Sea World, hospital visits, and more. Create a playoff and, if the post-season games do not evolve to home games on college campuses, you will create a one-day, in-and-out experience – if that – to replace the current Bowl system. And, if that, we would have to explain to the local communities what has happened.

The proponents of a playoff system neither understand nor want to learn that the economics of the current system is one of events, not just games. By analogy, they would have us become the NIT to the NCAA Basketball Championship, which would result in lost attendance, lost sponsorship, lost television, and the end of the Bowls.

#### CONCLUSION

No system is perfect. The Bowls are not perfect and the Bowl Championship Series is not perfect. But certainly, the concept of a playoff – as attractive as it may sound from the "experts" on sports talk radio – is rife with dangers for a system that has served collegiate athletics pretty well for the past one hundred years.

It's easy to express support for a playoff concept which has never been tested; all of your assumptions and theories work out perfectly. On the other hand, however, the Bowls have already withstood the test of time and have not been found wanting.

With the current structure of the Bowl Games, you protect the importance of the college football regular season and, as importantly, you have twenty-nine communities committed to providing not just the financial support, but a quality experience for the thousands of players and fans who attend each Bowl Game.

The current Bowl Game system does reward over 6,800 student-athletes, creates more than \$1 billion in annual combined economic impact to the host sites, donates a quarter of a billion dollars annually back to higher education, and gives millions more to charitable endeavors in their own communities.

It is a system that works well, benefits so many, and ought not to be under attack.

Thank you for the opportunity to be here today.

Mr. RUSH. Hearing no objection, the letter will be entered into the record. I want to thank you, Mr. Fox.

[The information appears at the conclusion of the hearing.]

Mr. RUSH. Our next witness is Mr. Bleymaier.

Mr. Bleymaier, you're recognized for 5 minutes for the purposes of opening statements. Take as much time as you may consume.

#### STATEMENT OF GENE BLEYMAIER

Mr. BLEYMAIER. Thank you, Mr. Chairman.

Chairman Rush and members of the subcommittee and Ranking Member Barton, my name is Gene Bleymaier. I am the Athletic Director at Boise State University; and I also founded the Humanitarian Bowl in Boise, Idaho, 12 years ago and am currently on the board of directors of the bowl game.

The issues I would like to address with you today are the following: First, competitiveness. And I would refer you to the hand-out that you received in your information packet.

Boise State's football team is the winningest program in the country over the past 10 years, with a winning percentage of 84.3 percent and an overall record of 108 wins against 20 losses. In the past 10 years, Boise State football has the Nation's best conference winning percentage at over 93 percent, 70 wins and 5 losses, and also the Nation's best home winning percentage at 97 percent, 64 wins and 2 losses. In the past 5 years, Boise State has finished the regular season undefeated three times: in 2004, '06 and '08.

Boise State's football record ranks number eight overall all time in the country. The team has won over 70 percent of its games. Our success is not recent but spans nearly 80 years.

Boise State is also one of the most nationally televised teams in the country, with no fewer than four games televised nationally each of the past 6 years. Thirty-three times in those years Boise State has been on national television; and we are scheduled to be on national television seven times again this fall, nearly six national telecasts per year.

In 2004, Boise State went undefeated and finished the season ranked ninth in the BCS rankings. Boise State did not get invited to the BCS. However Michigan, ranked 13th, and Pittsburgh, ranked 21st, did get invited.

In 2006, Boise State again went undefeated and finished the season ranked eighth in the BCS rankings and was invited to the Fiesta Bowl to play the University of Oklahoma. Boise State defeated Oklahoma in one of the greatest games ever played.

In 2008, Boise State again went undefeated and finished the season ranked ninth in the BCS rankings. While Boise State did not get invited to the BCS again, Ohio State, ranked 10th, Cincinnati, ranked 12th, and Virginia Tech, ranked 19th, did.

Three times in the past 5 years, Boise State has won all of its games in the current BCS system, never came close to playing in the national championship game. The BCS system not only restricts access but essentially precludes schools from playing in the national championship. How many more years do we need to go undefeated before we get a chance?

We believe the BCS system is exclusionary and limits access to BCS bowls to the benefit of Automatic Qualifying Conferences and



to the detriment of Nonautomatic Qualifying Conferences. The automatic qualifying criteria bestowed on the six Automatic Qualifying Conferences, in our opinion, should be adjusted, altered or eliminated.

Third is revenue distribution. The BCS revenue distribution formula and automatic qualifying criteria is heavily weighted toward rewarding the AQ Conferences and not rewarding the Non-AQ Conferences. The Automatic Qualifying Conferences receive approximately 90 percent of the BCS revenues unless a non-AQ Conference school, which encompasses 51 schools, qualifies for a BCS game.

Annually, Non-AQ Conferences are only guaranteed a little over 9 percent of the total revenue to split among 51 institutions.

The last point is governance. The BCS does not afford conferences equitable representation on the BCS Presidential Oversight Committee, which is the body that governs the BCS. The Automatic Qualifying Conferences, the six, receive six votes. Notre Dame receives one vote. The nonqualifying conferences, 5 conferences, 51 schools, receive a total of one vote. Sixty-five schools get 6 votes, 51 schools get one vote, and one school gets one vote. This voting distribution is unfair, inequitable and totally unmanageable. One president cannot adequately represent 51 institutions in five different conferences.

The NCAA sponsors 88 championships in almost every sport, but they do not sponsor the biggest one, the championship of the Football Bowl Subdivision, formerly Division 1-A. We believe there is a lot of revenue being left on the table without having the NCAA run this championship.

The six Automatic Qualifying Conference commissioners and the athletic director at Notre Dame control the BCS and the national championship for major college football. This group has devised a system that gives them approximately 90 percent of the proceeds and essentially excludes over 50 institutions from playing for the national championship.

The BCS system, in our opinion, needs to be more equitable financially, more accessible, and provide more institutions with fair representation.

Thank you for the opportunity to share these concerns with you today.

[The prepared statement of Mr. Bleymaier follows:]

STATEMENT OF GENE BLEYMAIER  
DIRECTOR OF ATHLETICS, BOISE STATE UNIVERSITY

COMMITTEE ON ENERGY AND COMMERCE, SUBCOMMITTEE ON COMMERCE,  
TRADE & CONSUMER PROTECTION

HEARING ON THE BOWL CHAMPIONSHIP SERIES: MONEY AND OTHER ISSUES OF  
FAIRNESS FOR PUBLICLY FINANCED UNIVERSITIES

May 1, 2009

Chairman Rush and members of the Subcommittee, I am Gene Bleymaier, Director of Athletics at Boise State University. Thank you for inviting me here today to speak about the Bowl Championship Series ("BCS").

The issues I would like to address with you today are the following:

**COMPETITIVENESS**

Boise State's football team is the winningest program in the country over the past 10 years, with a winning percentage of .843 and an overall record of 108 wins and 20 losses!

In the past 10 years, Boise State football has:

- The nation's best conference winning percentage at .933, 70 wins and 5 losses
- The nation's best home winning percentage at .970, 64 wins and 2 losses

In the past 5 years, Boise State has finished the regular season undefeated three times, in 2004, 2006 and 2008!

Boise State ranks #8 overall in the country for the best all-time winningest football program -- winning over 70% of their games.

Boise State has had no fewer than 5 games televised nationally each of the past 3 years.

**ACCESS**

Despite Boise State's incredible success on the playing field, the Broncos have only been invited to a BCS Bowl game once following the 2006 season.

Annually, 10 teams are rewarded with opportunities to participate in the 5 BCS games.

In 2004, the Broncos went undefeated and finished the season ranked 9<sup>th</sup> in the BCS. While Boise State did not get invited to the BCS, Michigan, ranked 13<sup>th</sup> and Pittsburgh, ranked 21<sup>st</sup> did.

- Boise State 9<sup>th</sup> excluded
- Michigan 13<sup>th</sup> BCS
- Pittsburgh 21<sup>st</sup> BCS

In 2006, Boise State went undefeated and finished the season ranked 8<sup>th</sup> in the BCS and was invited to the Fiesta Bowl to play Oklahoma. Boise State defeated Oklahoma in one of the greatest games ever played.

In 2008, the Broncos went undefeated again and finished the season ranked 9<sup>th</sup> in the BCS. While Boise State did not get invited to the BCS, Ohio State, ranked 10<sup>th</sup>, Cincinnati ranked 12<sup>th</sup> and Virginia Tech ranked 19<sup>th</sup> did.

- Boise State 9<sup>th</sup> excluded
- Ohio State 10<sup>th</sup> BCS
- Cincinnati 12<sup>th</sup> BCS
- Virginia Tech 19<sup>th</sup> BCS

Three times in the past five years Boise State has won all of its games and in the current system, never came close to playing in the national championship game. The BCS system not only restricts access but essentially precludes schools from playing in the national championship.

The BCS system is exclusionary and limits access to BCS Bowls to the benefit of Automatic Qualifying (AQ) Conferences and to the detriment of non AQ Conferences. The automatic qualifying criteria bestowed on the 6 AQ Conferences should be adjusted, altered or eliminated.

#### **REVENUE DISTRIBUTION**

The BCS revenue distribution formula and AQ qualifying criteria is heavily weighted toward rewarding the AQ Conferences and not rewarding the non AQ Conferences.

The AQ Conferences (65 schools) plus Notre Dame annually receive over 90% of the BCS revenues unless a non AQ Conference school (51 schools) qualifies for a BCS game.

If a non BCS school plays in a BCS game, the non AQ Conferences receive 18% of the revenue and the rest – 82% goes to the AQ Conferences and Notre Dame.

Annually, non AQ Conferences are only guaranteed 9% of the total revenue to split among 51 institutions.

BCS Revenue distribution:

AQ Conferences and Notre Dame (66 schools) = 91%  
Non AQ Conferences (51 schools) = 9%

If non AQ Conference schools play in a BCS game another 9% is added to the non AQ conferences distribution.

### **GOVERNANCE**

The BCS does not afford Conferences equitable representation on the BCS Presidential Oversight Committee which is the body that governs the BCS.

- The Automatic Qualifying Conferences (65 schools) receive 6 votes.
- Notre Dame receives one vote.
- The non automatic qualifying conferences (51 schools) receive 1 vote total!

65 schools have 6 votes

51 schools have 1 vote

Notre Dame has 1 vote

This voting distribution is unfair, inequitable and totally unmanageable. One president cannot adequately represent 51 institutions in five different conferences.

The NCAA sponsors 88 Championships in almost every sport, but they do not sponsor the biggest one – the Championship of the Football Bowl Subdivision (FBS) formerly Division 1A. The 6 AQ Conference commissioners and the athletic director at Notre Dame control the BCS and the national championship for major college football. (FBS)

This group has devised a system that gives them approximately 90% of the proceeds and essentially excludes over 50 institutions from playing for the National Championship.

The BCS system needs to be more equitable financially, more accessible and provide institutions with fair representation.

Thank you for the opportunity to share these concerns with you today.

**All-Time Winning Division I-A Football Programs**

TEAM	WON	LOST	TIED	PCT.
1. Michigan	871	294	36	.740
2. Notre Dame	830	284	42	.736
3. Texas	831	317	33	.718
4. Ohio State	806	306	53	.7146
5. Oklahoma	783	297	53	.7144
6. Alabama	798	316	43	.709
7. USC	766	302	54	.707
8. Boise State	340	143	2	.703
9. Nebraska	817	336	40	.702
10. Tennessee	776	324	53	.696
11. Penn State	798	349	41	.689
12. Florida State	458	221	17	.670
13. Georgia	723	383	54	.646
14. LSU	698	382	47	.640
15. Miami (Florida)	543	308	19	.635

**Nation's Highest Winning Conference Percent (99-08)**

TEAM	RECORD	PCT.
1. Boise State	70-5	.933
2. Oklahoma	67-13	.838
3. Texas	66-14	.825
4. Ohio State	60-20	.750
5. Virginia Tech	56-19	.747
6. USC	62-21	.746
7. Florida	61-21	.744
8. Florida State	60-21	.741
9. TCU	57-21	.731
10. Michigan	58-22	.725
11. Miami	53-22	.707
12. Georgia	57-25	.695
13. Louisville	49-23	.681
14. Utah	49-24	.761
15. LSU	53-28	.654

**2008 BCS Academic Top 25**

Ranked by Football Team NCAA Academic Progress Rate

	ACADEMIC PROGRESS RATE
1	Boston College..... 972
2	Northwestern..... 969
3	Georgia..... 965
4	Penn State..... 964
5	Florida..... 962
6	TCU..... 959
7	Boise State..... 953
8	Georgia Tech..... 951
9	USC..... 948
10	BYU..... 946
11	Pittsburgh..... 945
12	Utah..... 944
13	Alabama..... 944
14	Ohio State..... 942
15	Oklahoma..... 942
16	Texas..... 942
17	Bell State..... 941
18	Cincinnati..... 939
19	Mississippi..... 939
20	Missouri..... 939
21	Oklahoma State..... 935
22	Virginia Tech..... 929
23	Texas Tech..... 928
24	Michigan State..... 926
25	Oregon..... 921



**Nation's Best Home Winning Percent 1999-2008**

TEAM	RECORD	PCT.
1. Boise State	64-2	.970
2. Oklahoma	60-2	.968
3. Texas	55-7	.887
4. TCU	51-7	.879
5. Ohio State	59-10	.856
6. USC	51-10	.836
7. Florida	53-11	.828
8. Texas Tech	51-11	.823
9. Nebraska	58-13	.817
10. LSU	57-14	.803
11. Michigan	53-14	.791
12. Louisville	49-14	.778
13. Florida State	48-14	.774
14. Tennessee	49-16	.754
15. Penn State	51-17	.750

**Nation's Highest Overall Winning Percent (99-08)**

TEAM	RECORD	PCT.
1. Boise State	108-20	.843
2. Texas	106-23	.822
3. Oklahoma	109-24	.819
4. USC	99-28	.779
5. Ohio State	97-29	.7698
6. Virginia Tech	100-30	.7692
7. Georgia	98-30	.766
8. Miami	92-32	.742
9. LSU	93-35	.727
10. Florida State	90-36	.714
11. Utah	84-37	.6942
12. Louisville	86-38	.6935
Michigan	86-38	.6935
14. Florida	96-43	.691
15. Nebraska	86-41	.679

**Wins by West Coast Teams Since 2000**

NO.	TEAM	WINS	NO.	TEAM	WINS
1.	Boise State	95	6.	Fresno State	68
2.	USC	87	7.	BYU	68
3.	Utah	75	8.	Oregon State	67
4.	Oregon	72	9.	California	59
5.	Hawaii	72	10.	Arizona State	59

**Highest Scoring Teams Since 2000**

TEAM	GAMES	POINTS	AVERAGE
1. Boise State	113	4,651	41.16
2. Texas	110	4,343	39.48
3. Oklahoma	117	4,498	38.44
4. Texas Tech	112	4,173	37.26
5. Hawaii	111	4,124	37.15
6. USC	112	4,020	35.89
7. Louisville	109	3,894	35.72
8. Florida	112	3,885	34.69
9. Kansas State	109	3,664	33.61

# Decade of Dominance

From the school's first Division I-A Conference title in 1999, to the unbelievable 2007 Fiesta Bowl victory, to a third unbeaten regular season in 2008, the historic 10 year span from 1999-2008 has been remarkable!

Boise State's record of 108-20 since 1999 is the BEST in the country ahead of Texas, Oklahoma, USC and Ohio State.

Take a look at what the Broncos have accomplished during this Decade of Dominance.

- 108 Total Number of Wins, 10.8 wins per year
- 97.0 Home Winning Percentage (64-2 record), Best in the nation
- 93.3 Conference Winning Percentage (70-5 record), Best in the nation
- 84.4 Overall Winning Percentage (108-20 record), Best in the nation
- 70 Number of Conference Wins, Best in the nation
- 58 First Team All-Conference Players
- 40.5 Points Per Game Scoring Average, Best in the nation
- 31 Straight WAC Wins from 2001-2005, a conference record
- 31 Straight Home Wins from 2001-2005, a school record
- 12 NFL Draft Picks
- 10 Straight Winning Seasons
- 9 Bowl Appearances
- 8 Conference Championships
- 8 10-Win or more Seasons
- 7 Consecutive Years Ranked in the Top 25
- 7 Years Ranked in Top 10 Nationally in Scoring Offense
- 6 WAC Championships
- 6 Undefeated Conference Seasons
- 5 Seasons With 11 or More Wins
- 5 Bowl Championships
- 5 Seasons Ranked in the Final Top 15 Poll
- 3 Unbeaten Regular Seasons
- 3 Seasons Ranked in the BCS Top 10
- 2 Big West Conference Championships
- 1 BCS Bowl Victory

Mr. RUSH. The Chair thanks the gentleman and thanks all of the witnesses.

Now the Chair recognizes himself for as much as time as he may consume for the purpose of asking questions of these witnesses.

Let me begin by stating I really want to spend some time on this matter of revenue and revenue distributions. According to the BCS media guide, in the year 2008, \$18 million automatically went to each of the six automatic conferences. I think this has been stated earlier. In one of these conferences, they had two teams in a BCS bowl, and the next conference received an additional \$4.5 million.

By contrast, the five other nonautomatic conferences automatically received in the aggregate a total of \$9.5 million, plus an extra \$9.5 million because the Mountain West, for example, was in the Sugar Bowl. As such, each nonautomatic conference received approximately \$3.8 million in BCS revenue for their member schools. Notre Dame, as was stated earlier, which is an independent school, automatically received \$1.3 million and qualifies for another \$4.5 million all by itself if it is in a BCS game.

The question that I would like to ask these members of the panel—and you can be very brief in the answers. I want to ask each and every one the members, can you comment on the fairness of the revenue distribution other than the scenario that I just outlined? How is that fair? Starting with Mr. Swofford.

Mr. SWOFFORD. Mr. Chairman, I think one has to go back to the beginnings of the BCS to understand the financial distribution. The BCS is totally voluntary. If any conferences don't want to be a part of it, they can opt out at any time.

In order to come to a conclusion and a system that the conferences could agree upon and move forward with, we had to take into account what the various conferences were making in their current contractual agreements at the time the BCS was started. And at that point in time you had the Rose Bowl with the Big 10 and PAC 10, the Fiesta Bowl with the Big 12, the Sugar Bowl with the Southeastern Conference, and an offer on the table with the Blockbuster Bowl for the Atlantic Coast Conference in the Big East to receive equivalent dollars to any of those aforementioned bowls.

Then the Orange Bowl wanted to connect with the Atlantic Coast Conference and the Big East as host institutions.

So, at the beginning, you had the six conferences that currently have automatic qualification receiving significant dollars because of their ability, marketplace, and the history of the competitiveness within those leagues and the performance of those leagues that tied in to the major bowls. So I think that is what set the bar in terms of where we were.

It also set the bar in a sense in terms of the other conferences that are a part of the BCS. In the 11 conferences—and all of the conferences talked through this and agreed upon it and any changes that had been made in it since that point in time, the same thing has been true, the conferences have agreed upon it. It has been thoroughly discussed in terms of what the distribution would be, in terms of what the—what you would need to do as a conference to be an automatic qualifier in the BCS and agreed upon.

Mr. RUSH. I certainly appreciate the history, but it didn't answer the question. The way these revenues are distributed, where is the fairness? Is this a fair way?

Mr. SWOFFORD. I think, you know, a fairness a lot of times is from where you sit. I understand that. But I think it is fair because it represents the marketplace, and the BCS and bowls and post-season football are related to the marketplace. And I think you have to look at if the conferences did away with the BCS—and that could happen if the appropriate and right conferences, so to speak—

Mr. RUSH. I don't want to dominate the time. Thank you so much. I want to move to the next witness.

Mr. Thompson, is this a fair way to distribute the revenues?

Mr. THOMPSON. I would agree with Commissioner Swofford that basically these tie-ins are based on marketplace past history and contractual arrangements. Our position is they should be based more on performance-based basis, and that perhaps each conference receives a particular base level and then every first placement by each conference receives an equal distribution. And if you have a second team, certainly that warrants an additional stipend. But the fairness would be that if you play in a game, that each of those first participants have equal distributions.

Mr. RUSH. Mr. Fox, would you care to answer this? I recognize Mr. Fox right now. Would you please answer the question?

Mr. FOX. Sure. Obviously, from our perspective, we are not a member, we are not part of the system itself but obviously part of the bowl system. And that, too, is predicated on the marketplace drives the dynamics. We have conference agreements with the Big 10 and Big 12 respectively, and we come to a market-based decision as to what our team payout will be. So, again, it goes to the entire system, not just at the BCS level.

Mr. RUSH. Mr. Bleymaier, would you take a shot at that question, please?

Mr. BLEYMAIER. Yes. Mr. Chairman, I would agree that at the origin these were bold-based contracts with conferences. But now that the system has changed, now that we have the BCS rankings and the formula and 10 slots, it is a whole different market, it is a whole different model. And I think it would not hurt the bowls at all financially and help the schools if this was more performance-based. And you take the top 10 based on the BCS rankings and reward them with opportunities to play in those BCS games, and then distribute the revenues accordingly.

Mr. RUSH. Let me just remind all the witnesses, I understand that when you have market-based considerations that you should take into account when you are making, say, decisions. But you can't forget that the basic foundations for all of these universities, all these participating programs are the Federal and State tax dollars that go into these schools. And right now all of these schools are experiencing financial crises simply because of the fact that they have to cut back on their budgets. And so marketplace considerations are one thing, but you can't obviate or just can't deny and erase the fact that there is a determinant for equitable treatment simply because you are using Federal tax dollars for your basic existence. All of these universities are.



And given that the States are imposing steep educational cuts to public universities funded by taxpayer dollars, is there a role for this Congress? Should Congress intervene? I will ask you, Mr. Swofford, and you can start. Should Congress intervene in this matter?

Mr. SWOFFORD. Well, I think all of us involved with this welcome input from Congress or anywhere else that can help us improve the system. It is not a perfect system, we understand that. It is a system that has been able to bring the conferences together. And if the conferences determine that it is a system they don't want to be a part of, then the BCS structure unravels at that point and the conferences that would be—I don't think the major conferences are going to be a part of a system that brings their market value down rather than where they know it could be on an individual basis.

So the beauty of what we have and the necessity of what we have is that it has been something that can bring the conferences together. I think the conferences without automatic qualification have been enhanced with the BCS during this 11-year period both financially as well as with the opportunities to play in the various BCS bowls that have been mentioned.

Mr. RUSH. Mr. Thompson.

Mr. THOMPSON. Simply, certainly our university presidents, myself, we work for and with the representatives of the people, the fans. Every poll that I have seen indicates a strong desire for a different playoff format, a playoff format. And simply looking at the whole process, I feel part of our fundamental flaw issue is the representation. With one president representing 51 institutions, it is very difficult to filter that message down or to have a very loud voice. It might be outvoted. There might be a unanimous opposition.

Mr. RUSH. Does the Congress, the U.S. Congress, have a role in this matter?

Mr. THOMPSON. Does U.S. Congress have a role? I think the U.S. Congress again represents fans, constituencies, and our university presidents work with that same group of constituency.

Mr. RUSH. Mr. Fox.

Mr. FOX. Yes, Mr. Congressman. I think one of the things that is important to stress here is taking a look at the entire system and how it has evolved over the 90 years. And there has always been communication, there has been dialogue, things have transpired and evolved. We had the alliance, the coalition of BCS. You can see over time how things have evolved. And it has been a constant work in progress to try to take care of all the constituents that are a part of this. At the end of the day, it is a system that has worked for 90 years. And, as I said, \$250 million going back to higher education each year, that is a pretty successful benchmark and each year it goes up.

In this current BCS system, we were here 4 years ago, there were 28 bowl games; there is now 34. So it has also allowed additional opportunities for teams in the marketplace as well, and those dollars are going back to higher education too.

Mr. RUSH. So your answer to the question is, does Congress—yes or no? Does Congress have a role or Congress doesn't have a role?

Mr. FOX. I think the people who have a vested interest in the business are the people within the system, and they probably are best issued to deal with the system.

Mr. RUSH. So the answer is no, Congress, doesn't have a role?

Mr. FOX. It is your choice, sir.

Mr. RUSH. Mr. Bleymaier.

Mr. BLEYMAIER. Chairman Rush, I would think if you look at the history of the development of the BCS and where we have got to today, it has evolved over time. It has never been a perfect system and it has changed. But if you look, a lot of times historically that change has only come with hearings like we are having today. And, unfortunately, with the threat of lawsuits, it would be better for all served if the conferences could agree on a plan and a formula and approve it themselves. But because of the representation disparity that we have, that is virtually impossible, in our opinion. The only way this is going to change is with help from the outside.

Mr. RUSH. Thank you very much. The Chair has exhausted his time right now, and the Chair now recognizes the ranking member for such time as he may consume.

Mr. BARTON. Thank you, Chairman Rush.

First, I want to compliment you gentlemen for your refreshing candor. We do have a new tradition here that we ask you to testify under oath, which has not normally been the case for an authorization subcommittee. But having said that, the testimony today is much more cogent than it was 4 years ago and it is much more open about what the real reason the current bowl system exists, and it is money. When you are talking about market share and market dominance and all that, you know—and when Mr. Fox is talking about it is a week of events and how much money it brings to San Antonio, at least we are putting on the table why the current system is so entrenched.

I do think that after today's hearing we need to have a piece of advice for the BCS coordinating board. You should either change your name to BES for Bowl Exhibition System, or just drop the C and call it the BS system, because it is not about determining the championship on the field.

I am going to read some of Mr. Thompson's testimony because, to the average fan, this is the reason that people are so upset. His reason—Mr. Thompson's reason number three that the current system is flawed is that: The BCS is based on a flawed premise. Nearly half of the FBS teams are eliminated from the national championship before the season even begins. The current BCS system is based on a fundamentally flawed premise that computers and pollsters can look at six or seven outstanding teams, all of whom have lost no more than one game and few, if any, have ever played each other in that year, and decide which are the two best and should play in the national championship game. It is impossible to know which of those great teams are actually the best unless they play each other. Computers don't know, pollsters don't know, and the BCS surely doesn't know. Nearly half of the FBS teams are eliminated from the national championship even before the season begins. None of the 51 teams that play in the non-AQ conferences can, for all practical purposes, ever win a BCS national championship given how the current system is constituted. These teams are,

in effect, done before day one. A system that produces this result is patently unfair.

I don't think that is a debatable proposition. Mr. Swofford, you are the head of the BCS. You are the point person. How do you answer that, that from day—from before the first game is even played, half the football teams in the country that play college football at Division 1–A don't have a prayer to win in the national championship?

Mr. SWOFFORD. Well, I think the answer to that, Congressman Barton, is that the polls—and I know a lot of people question the polls, they have been questioned forever and ever in college football. But the polls reflect what has happened on the field, and it reflects a mix of people's view from a national perspective. Each of the 11 conferences nominate potential pollsters for the Harris Poll, which is our newest poll.

Mr. BARTON. But how do you answer Mr. Bleymaier and his testimony? In 2004, Boise State Broncos were undefeated and ranked ninth in the BCS. They were excluded. But Michigan at 13th and Pittsburgh at 21st got into a BCS game. In 2008 they were undefeated again, and they ended up ranked ninth in the BCS. Again, they were excluded. Ohio State, Cincinnati, and Virginia Tech, all ranked lower than Boise State, were in the BCS. The one year, 2006, they were undefeated, they did get invited to the BCS, and son of a gun, they beat Oklahoma in one of the most exciting college football games that I have ever watched.

I mean, again, half the teams that start out don't have a prayer that they are going to get to play in that championship game. And even the best of the best—and I didn't realize how good Boise State was, but their record compares with any team in the country. They just happen to be in a small population State, in a weak media market and, with all due respect, have the ugliest football field I have ever seen. I try to watch them, and it just hurts my eyes to watch that blue field. I mean.

Mr. SWOFFORD. Congressman, as I said, the polls and how this is determined has been agreed upon by all 11 conferences. That is where we are today.

Mr. BARTON. But you yourself said in response to Mr. Rush's question that these conference agreements are about money. It is about market share. It is not about athleticism on the field. Mr. Bleymaier pointed out that there are 88 NCAA schools—88 NCAA championships. Those are determined on the field. The Division 1–A college football isn't. And the difference is, with possibly the exception of basketball, none of the NCAA sports make any money. Football does. Division 1–A football does. And I understand that a conference affiliation at a Big 12 where my school is, Texas A&M has got an athletic budget. I don't know what it is but I bet it is \$30 million, \$40 million a year. You know? So I am glad that they have it and I am glad that they do it and I am glad they are part of the Big 12. But even in Division 1–A, you could have a playoff system make just as much money, but you would have the added benefit that the championship would be determined on the field.

Mr. SWOFFORD. I have a little differing view of whether it is determined on the field. In my earlier remarks, I talked about the regular season and the importance of the regular season, and the

fact that I don't think anybody would argue this point: That college football has the best regular season in all of sports. And the reason that is, is because that is our playoff. Every day—

Mr. BARTON. Why do you think every game of the regular season?

Mr. SWOFFORD. Every day of the regular season is a part of that playoff. Every game matters. We have got a situation now where, if you are in Texas you are probably concerned about what is going on on the West Coast or in the Southeastern Conference or the Atlantic Coast Conference, because what happens in those games may well impact what happens in the Big 12, for instance. So every game is basically a playoff during the regular season in college football.

Mr. BARTON. If that is your argument, then you shouldn't have but one or two nonconference games and you shouldn't be adding regular season games. You should also have the championship game between the South and the North or the East and the West Divisions of your power conferences. That game ought to mean something. It doesn't.

I think one of you testified, or at least we read some testimony, that attendance is down at these championship—these so-called conference championship games because they don't mean anything.

Mr. SWOFFORD. Actually, they do. Because if you win those games, that is the automatic qualifier from that conference into the BCS game.

Mr. BARTON. So why was attendance down in the ACC championship game last year if it means so much?

Mr. SWOFFORD. That is a good question. We'd like to get it back up, and I think we will. It may have been the matchup in the State of Florida, it might have been geographic. It might have been related to the conference.

Mr. BARTON. Let me ask a few more questions about the BCS. It is a voluntary organization. I would as soon assume it is chartered as a corporation. Is that right or wrong?

Mr. SWOFFORD. No.

Mr. BARTON. It is not chartered? It has a governing board, and there are eight votes on the governing board. Is that right?

Mr. SWOFFORD. At the presidential level, yes, sir. There are 11 at the commissioners level.

Mr. BARTON. And Mr. Bleymaier pointed out that the six power conferences each have one vote. I understand that. The other 51 schools, unfortunately, combined get one vote. I don't understand that. And Notre Dame gets a vote. Why does Notre Dame get a vote?

Mr. SWOFFORD. Well, because of their history and tradition and the role they have in college football historically and presently.

Mr. BARTON. OK. Why wouldn't USC get their own vote?

Mr. SWOFFORD. They are a conference member. They have a vote through—

Mr. BARTON. Or Oklahoma or Alabama or Ohio State or Penn State? They have got storied college programs.

Mr. SWOFFORD. Notre Dame is an independent.

Mr. BARTON. Is it because Notre Dame has its own national contract for televising college football?

Mr. SWOFFORD. I don't think it is because of that. I think it is because of the place that they have in the tradition in history of college football. And if they weren't involved in the BCS, and qualified, for instance, for the national championship game, that would certainly undermine the current system.

Mr. BARTON. Using that logic, Delaware, which is the first State in the Nation, ought to have 50 votes in the House because of their tradition and they were the first one to ratify the Constitution and the first State. I mean, that doesn't make a lot of sense to me.

The money that the BCS gets for their football television contract, where does that actually go? I mean, do you have a bank account in New York, Chicago? Does it go to each of the conferences directly, or does it go to a central repository financial institution and then it is distributed?

Mr. SWOFFORD. It goes to a central escrow account, which is then distributed back out through the various conferences.

Mr. BARTON. Who controls that?

Mr. SWOFFORD. The conference that is the coordinating conference.

Mr. BARTON. So that rotates?

Mr. SWOFFORD. Yes.

Mr. BARTON. Is there an audit committee?

Mr. SWOFFORD. Yes?

Mr. BARTON. Are those audits publicly available?

Mr. SWOFFORD. Yes.

Mr. BARTON. They are publicly available. Does the BCS as a legal entity make a profit?

Mr. SWOFFORD. No. It goes to the institutions and conferences.

Mr. BARTON. So the BCS as a repository is purely a contractual legal entity; and the money flows through that to the member conferences, and then the member conference distributes it to the members of their conference. And if you are an independent, depending on where you rank in the hierarchy, you would get directly from the central repository. Is that right?

Mr. SWOFFORD. It is a pass-through. Yes, sir.

Mr. BARTON. Does Notre Dame get a disproportionate share because they have one vote? Or, do they get more than Boise State or they get more than Ohio State because they seem to be in and of themselves—

Mr. SWOFFORD. Notre Dame receives, if they do not play in a BCS game, a 1/66th share, which is basically the equivalent of what they might receive if they were a member of one of the six.

Mr. BARTON. If they do play, then they get the \$18 million? Is that right?

Mr. SWOFFORD. No. They get the \$4.5 million if they do participate in the game. Yes, sir.

Mr. BARTON. OK.

Mr. SWOFFORD. One thing, sir. Could I clarify one point?

Mr. BARTON. Sure.

Mr. SWOFFORD. In terms of looking at the revenue distribution, the other way to look at it is the 10 teams that play in the five BCS games, each receive the same amount of money regardless of which conference you are coming from.

Mr. BARTON. That is another point. Each member conference gets its \$18 million, which they distribute as they see fit within their conference?

Mr. SWOFFORD. Correct.

Mr. BARTON. Now, the team that actually plays in the BCS game, the Orange Bowl or the Sugar Bowl or whatever, do they get—in addition to their share of the \$18 million, do they get 10 to \$15 million for actually playing in the game?

Mr. SWOFFORD. No, sir. It is up to the conferences how—each conference is probably a little different. But each conference distributes its money to its membership in the way it chooses.

Mr. BARTON. The Alamo payoff to each team is how much?

Mr. FOX. \$2.25 million.

Mr. BARTON. Each team gets \$2.25 million. The Fort Worth Bowl, each team gets \$525,000. But like the big BCS bowls, each team gets like 15 or \$16 million. Isn't that right?

Mr. SWOFFORD. 18.

Mr. BARTON. Now, that 18 million, in addition to the other 18 million, the second 18 million, the participating team also has to share that with its conference members.

Mr. SWOFFORD. There are not two 18 millions. There is one 18 million.

Mr. BARTON. I am confused.

Mr. SWOFFORD. I am sorry.

Mr. BARTON. But to go back to my Alamo Bowl friend. You give to each participating team \$2.25 million. Right?

Mr. FOX. Yes.

Mr. BARTON. To the team. That goes to the team. That doesn't go to the BCS, that goes to the team?

Mr. FOX. It goes to the conferences, and then they have a revenue distribution.

Mr. BARTON. But the Orange Bowl gives each participating team \$18 million? Is that right?

Mr. SWOFFORD. They give each conference \$18 million.

Mr. BARTON. So when Mr. Rush was talking about the 18, that money comes from the bowl to the conference. And there is not an additional amount of money that goes to the team that actually plays in that game?

Mr. SWOFFORD. That is correct.

Mr. BARTON. So it is technically possible that, at the bowl level, that Mr. Fox's—a team could actually lose money going to his bowl because he doesn't get \$2.25 million; he gets his share of that. And if he takes 100 football players and 20 cheerleaders and 200 band members and the athletic department and whoever else gets to tag along, it could actually cost the school money to go play in his bowl. Is that fair?

Mr. FOX. That is a fair assessment. And I think that is incumbent upon the current system that we need to make those business decisions to see if it makes sense. I know in our case I don't think any of the teams ever lost money.

Mr. BARTON. Mr. Chairman, I have got a lot more questions. But Mr. Green has been very patient. I am going to suspend and let Mr. Green ask some questions, and then I would ask unanimous consent that you could come back to me.

Mr. RUSH. There will be a second round.

Mr. GREEN. Thank you, Mr. Chairman.

And, again, we all represent as alumni from our individual schools, and I will remind my colleague at Texas A&M that it took years for the University of Houston, which is a very urban university, to get into the Southwest Conference. And after we were winning it enough, the Southwest Conference was destroyed. And which impact—

Mr. BARTON. That was the problem. We just wanted you in the conference. We didn't want you to win any games.

Mr. GREEN. That's right. I understand that. But when we were winning, then all of a sudden the Southwest Conference became no more and that impacted a number of schools, including large urban universities. You are not in a big conference, you are recruiting. Obviously, the invitation is the bowl game. And it comes down to money.

Mr. Swofford, you are the Commissioner of the Atlantic Conference, the ACC, which in recent years hasn't been powerhouse football, college football. Last year, the ACC's conference champion was Virginia Tech, which was ranked 19 in BCS standings. Two conferences, these champions do not automatically qualify for BCS bowl games, have much better records than ACC teams last year, the Mountain West Conference that had three teams that finished in front of Virginia Tech, University of Utah, Texas Christian University, and Brigham Young University, while the Western Atlantic Conference, the WAC, had one team, Boise State University. Despite the disparity in team records, the ACC received 18 million in guaranteed BCS money for its schools, while the Mountain West and the WAC each received 3.8 million.

Why should the ACC conference be guaranteed so much as compared to the Mountain West and the WAC? And again, the University of Houston is not a member of either of those conferences.

Mr. SWOFFORD. Congressman, I think it goes back to what I said earlier in terms of the marketplace and how the BCS came together and the ACC's market value at the time, which has probably only been enhanced with the addition of Miami and Virginia Tech and Boston College. And I think you would say the same thing about the other conferences that are automatic qualifiers.

You can always take one year in the standings and say this, that, or the other. The previous year the ACC champion again was Virginia Tech, and then they were ranked number three in the BCS standings. So there are three schools in our league that have played in the national championship games, some on multiple occasions. So you can take any one year, and it looks good or it doesn't look as good in terms of various conferences' champions.

Mr. GREEN. I know that inter-conference records, Mountain West actually had a better percentage in college football in 2007–2008 with a 55 percent win rate against teams in the automatic conferences, while the Southeastern Conference, the SEC, had only a 45 percent winning percentage.

Does the BCS have some type of leveling that looks at not 1 year or 2 years, but looks at over a period of time at the winningness of different conferences? Is that part of the BCS standards?

Mr. SWOFFORD. Yes, sir. The automatic qualifying standards are based on 4-year cycles.

Mr. GREEN. Another question. During the regular season, your key argument for the BCS is it makes college football regular season exciting and relevant, and you cite college basketball and note that fans don't pay attention to the regular season until March Madness and the NCA tournament. Do television networks have a broadcast—that broadcast the regular season games have a vested interest in the BCS in order to keep the ratings for their regular season games high? In your contract negotiations, does Fox and ESPN retain—did Fox and the ESPN retain the BCS? In other words, is that one of the reasons why the season record is important, that they keep the ratings up during your regular season?

Mr. SWOFFORD. Well, you know, I don't think Fox or ESPN when we have television negotiations with those entities, which we had last fall, they did not try to be a player in the structure of the post season. I think obviously they are interested in the regular season being as strong as it can be, but they have not had a role in determining what the post season would be at all.

Mr. GREEN. I would just give the contracts, the NFL which has a playoff program, it doesn't seem like their regular season suffers because they have a playoff system. Why is football different, college football different?

Mr. SWOFFORD. Well, I think it relates to the fact that since we don't have a playoff, every game in the regular season is critically important in terms of the post season and whether you will qualify for the national championship game or a BCS game. Or, as you move into the later stages of a season, sir, a team might know it is not going to be in the BCS game or the national championship games, but those last games they have something to play for if there is a bowl and an opportunity to compete in a bowl. So I think the bowl system as a whole, not just the BCS system, contributes to how valuable the regular season is and how interesting and fun that it is for the players and fans.

Mr. GREEN. Mr. Chairman, you have been real gracious. I have one more question of Mr. Fox. And coming from Houston with which you would call one of the smaller bowls, and I know although ours is smaller than the Alamo, you claim that smaller bowls, the bowl association itself for college football adopts a play-off system. And I appreciate the economic impact for those games on the host communities; and, however, I don't see why a seven-game playoff system with eight teams is any more detrimental than the bowl association, than the BCS which is a five-game with 10 teams. Either way, the vast majority of the bowl games are basically exhibition and they always have been.

Mr. FOX. To address that, obviously, there are a number of different models being put forward as far as a playoff is concerned. But any time you go to a playoff format, you are automatically distinguishing basically the NCAA tournament versus an NIT tournament, if they exist at all. Right now, the NIT is subsidized by the NCAA to provide those opportunities. In the bowl system, it is the communities that are stepping forward to underwrite those opportunities.



And if you look at—I think a point to go back to on the conference championship games is a good point. Why are they down? Obviously, somewhat economically related in this recent state of the economy. But also you have a one-week turnaround under most situations where teams don't know they have qualified for a championship game until one week out. Well, their fans with a one-week turnaround and a tough challenging economy are going to have a tougher decision whether to go to that destination. I know we hosted a championship game in San Antonio 2 years ago. We had number one Missouri versus number eight Oklahoma. Arguably, both teams in a footprint. Should be an easy sellout. Correct? We didn't. We sold 60- to 65,000. Missouri is number one. If they win that championship game, they are going on to the national championship game. So there is always that next game. The fans have a chance to wait and hold off for the next game. The same could be said with the playoff. Are they going to travel 15,000 strong on four successive weeks? I doubt it.

Mr. GREEN. The last thing. What if we had a rotating? For example, the Alamo Bowl would rotate into the playoff system, where you would have a rotating bowl system? I don't know if that has even ever been considered by BCS.

Mr. FOX. That is effectively what the BCS is now, is you have five games all rotating the championship game.

Mr. GREEN. But it is not, there are a lot of bowl games but there is only a certain number that are allowed to be there.

Thank you, Mr. Chairman.

Mr. RUSH. The Chair thanks the gentleman. The Chair recognizes himself for some additional questions.

Mr. Bleymaier, it has been stated earlier that one of the most exciting games in recent years was the 2007 Fiesta Bowl, and your school Boise State's dramatic defeat over the University of Oklahoma. A fine game, well coached, well played. The game has become an instant classic and replays were on sports highlights all over the place repeatedly. So can you comment on how big bowl games affect your school from an economic standpoint and also from a recruiting standpoint?

Mr. BLEYMAIER. Yes, Mr. Chairman. That game was obviously one for the ages and put Boise State on a national stage equal to the long-time college football powers. You can't buy that kind of exposure, you can't buy that kind of prestige. Our enrollment applications at the university skyrocketed within a week of the Fiesta Bowl victory. So that exposure, like I said, is priceless.

In addition, with our revenue split through the five conferences, the nonqualifying conferences, Boise State received \$6 million that year. And—well, the conference received \$6 million; Boise State received 70 percent of that, which is approximately \$4.2 million. We have been to nine bowl games in the last 10 years. That is the only year that we netted any revenue. It has been talked about that these bowls make money. And some bowls do. But there are also probably around a dozen or so more that don't make any money at the end of the day, as Mr. Barton was talking about, when you factor in the expenses that the teams have and the requirements that the schools have to buy tickets.

I am involved in our bowl in Boise, and I can tell you it may on paper look like there is money being made, but in reality money is not being made. The conferences are subsidizing those bowl games.

So the bowl system is great and I support it, and we are glad we have one in Boise. I don't see how adding two more games in any way is going to negatively impact the bowl system. In fact, the bowl system continues to grow. When we created the Humanitarian Bowl in Boise, Idaho 12 years ago, I believe there are 20 bowl games and we went to the committee and added another one, and there was talk at that time: There are too many bowls; we don't need any more bowls. Well, we were approved. I think there was 21 or 22. That continued, and now there is 34. And there is talk of creating more bowl games.

So even if a playoff is not in the offing here, I predict there is going to be more bowl games in the future. Do I think that is necessary? No. Personally? Six-and-six teams do not warrant going to a bowl game. As an athletic director at a school, I don't think we need to be rewarding student athletes for winning six games and losing six games, or, for that matter, winning seven games and losing five games. To me, a post-season experience, you ought to earn it on the playing field and it ought to mean something. It ought to be special. I don't think having six-and-six teams in bowl games are special, and I don't think a playoff in any way will lessen the regular season. In fact, I think it will enhance regular season games. Right now, because there is only two teams that are going to play in that national championship, I think it hurts the regular season.

Last year, when USC lost to Oregon State in September, basically they were out of it. So for USC, their season is over. That doesn't help with their remaining games on their schedule to bring interest or excitement into their communities. But by expanding this to more teams, that is going to enable more programs to remain involved and remain in the hunt for the gold ring at the end of the season. And that, in my opinion, is going to heighten interest in the regular season, totally contrary to what has been mentioned earlier.

Mr. RUSH. Can you address how this affects your recruiting, knowing that under the current system it is almost impossible to participate in a championship game.

Mr. BLEYMAIER. Absolutely. Mr. Chairman, high school student athletes, they want to play on national television. They want to play for a national championship. And when you are going into homes and you are trying to woo a student to your university, if you don't have the opportunity, as good an opportunity or a fair and equitable opportunity at the start of the season as a number of other schools, those schools are going to use that against you in the recruiting process and say, why would you consider Boise State? They are never going to play for a national championship. They were lucky to get into the Fiesta Bowl in 2006, and they probably won't qualify in the future. But if you come to our school, you are guaranteed as an automatic qualifying institution, regardless of what your record is, an opportunity to play in a BCS game.

That is prestige, that is exposure, that is national television. It definitely hurts us in recruiting if we are not able to offer that same opportunity from day one that other schools do.

Mr. RUSH. Thanks. The Chair has exhausted his time. The Chair now recognizes the ranking member, Mr. Barton.

Mr. BARTON. Thank you, Mr. Chairman. I have a unanimous consent request to put in the record two statements by Congressman Simpson of Idaho and Congressman Miller of California.

[The information was unavailable at the time of printing.]

Mr. RUSH. Hearing no objection, so ordered.

Mr. BARTON. Thank you. You will be happy to know, Mr. Chairman, and our panel, I have a plane to catch so I am not going to be quite as loquacious this round.

I am going to start off with Mr. Fox at the Alamo Bowl. And I am not picking on you, Mr. Fox. You just happen to be representing the bowls that are not the major big bowls and you are here. So this is not a knock on the Alamo Bowl. I love the Alamo Bowl. I like going to the Alamo Bowl. I have got relatives in San Antonio and I really enjoy your city.

The Alamo Bowl, like all these other bowls, is a nonprofit entity. Is that correct?

Mr. FOX. Correct.

Mr. BARTON. And I would think most of the people that participate are volunteers?

Mr. FOX. Very much so.

Mr. BARTON. Probably some paid people, just an executive director or somebody to manage it on a day-to-day basis and organize all these activities. But the majority of your folks are community citizens who just volunteer because it is fun and they like to help?

Mr. FOX. Absolutely. We have got a full-time staff of six and probably 500 volunteers.

Mr. BARTON. Now, you say that your money that you raise, your revenue source is the ticket sales. You don't get—do you also get some of the television money?

Mr. FOX. The primary funding streams for a ball game really are ticket sales, TV revenue, and sponsorships in general.

Mr. BARTON. General sponsorships. OK. How much of that money percentagewise actually flows through to the charity that you choose to raise money for?

Mr. FOX. Really, if you look at it, the biggest charity that we have are the two participating institutions. They are getting over 75 percent of that \$2.25 million that I was talking about. That is the primary charity. After that, now we do some things in our local marketplace, scholarship programs to local high schools, seniors going to higher education, those type of things. But right off the top, you are at least 75 percent.

Mr. BARTON. But that is going to the schools. I would quibble that a contribution or an allocation to the team that is participating is not a charity, but I am not going to argue. If that is the way college football defines itself, then I am not going to argue that point today.

How much of the money goes to classic charities, boys and girls clubs, scholarships, underprivileged children? I don't know what else in San Antonio, or at least do you give not to the schools?

Mr. FOX. Several hundred thousand dollars will go out to local organizations, whether it is boys and girls clubs, whether it is the Kids Sports Network. You name it, there are a number of different organizations who benefit from the bowl as well, besides the institutions. Obviously that is the primary donor, if you will.

Mr. BARTON. But the primary reason that your bowl and all the other bowls exist is to generate money for the local community. And you do pay expenses or pay a contribution to the schools that actually play the game, which is a good thing. But you are pretty up front that it was an event, it was a series of activities. You are trying to get people to come to San Antonio to have a good time and spend money.

Mr. FOX. Absolutely. When you look at it—

Mr. BARTON. I am good with that. I have gone to San Antonio and had a good time and spent money, so I am OK with that.

Now, why couldn't you do the same thing and be a part—the Alamo Bowl be a quarter final game or something like that? Why would that not—why would fewer people come, spend less money, and you not be able to do all the good deeds that you do with the money you generate if it were a part of a playoff system?

Mr. FOX. One of the challenges with the playoff system, quite honestly, is the fact you are having—it doesn't matter what format. Let's say you are a 16-game format. You have got 15 games, you have got four successive weeks. If in your original statement when you talked about A&M and Texas Tech and San Antonio were to sell out, absolutely. But in a quarter final matchup, we might have the University of Washington—

Mr. BARTON. And the Red Raiders would spend lots of money. Now, the Aggies are frugal. We probably wouldn't. But the Raiders, they will spend money.

Mr. FOX. All teams are very generous in that perspective. But when you look at teams that are not in the geographic footprint, you come into a situation where you have a challenge of people traveling across the country. I brought up the issue, I think when you stepped out, about the Big 12 championship game. You brought up the question, why championship game attendance is down. Obviously, the economy is one of the issues right now, but also a one-week turnaround. When you have a championship game, teams often don't know where they are going until one week out. Those fans have to make the decision, do I commit to the championship game now, in a week, or am I going to roll the dice; do we win the championship game to go on to the BCS game or another bowl game, which is 3 or 4 weeks down the road.

Mr. BARTON. But with your current system, and I don't know exactly, but the Alamo Bowl gets like the number six team in the Big 12 and the number six team in the Big 10 or something?

Mr. FOX. Somewhere between four and six, depending on how many teams are in. Yes.

Mr. BARTON. So there have been some years that you were getting teams that were 7-5, 6-6. But if you are part of a playoff system, you are probably going to get teams that are 9-2, 8-3, hot team on a roll. You may be getting Boise State, who is coming in undefeated but not from a power conference. You know, it would seem to me that your actual product on the field in a playoff sys-

tem is going to be a little bit—and my Aggies have been in your Alamo Bowl, so I am not going to say the current product is bad. But Penn State was a lot better the year they played A&M in the Alamo Bowl. You probably would be better off. Wouldn't you? Revenewise. I don't see how you would—

Mr. FOX. Well, not necessarily, because you also could not be in that system. Keep in mind, if you go to a playoff there is no question that the bowl would be jeopardized.

Mr. BARTON. It depends on how many, and it depends on what the BCS and the NCAA decide to do. You could have a playoff system with 64 teams and use every bowl that is currently in there. You could do that. You could have a playoff system where you had home field advantage to the higher ranked team. You could have a playoff system where you took the—I don't want to say the better bowls, but the more established bowls—and certainly the Alamo Bowl would be one—and then have the other bowls, which tend to be the smaller, newer bowls, could still do their bowl games. And, you know, since most of the teams aren't going to get to play for the national championship anyway, those bowls would still do all the events you are talking about. But if you are one of the playoff bowls, you are going to be a part of a system that your bowl may have the national championship team. It just has to win your game in the next tour, whatever, to make it.

Mr. FOX. That is certainly part of a system that could be in place and could be discussed. Now, when you talk about a 64-team playoff is, what, 63 games? You could still be playing.

Mr. BARTON. I am not advocating that.

Mr. SWOFFORD. I have been real nice to you. I haven't asked a question this round. I can't let it go. You know, you are the guy that is representing the BCS. What is the wisdom behind the original BCS to the four existing bowls? Well, way back when it took—there were more bowls than that because the Cotton Bowl was part of the original BCS. But the last, until 3 years ago you had the Rose Bowl, the Sugar Bowl, the Orange Bowl, and the Fiesta Bowl, and the championship game rotated each year. Then, 3 years ago, all of a sudden you had a BCS championship game in addition to those bowls. Why didn't you—if you are going to go to an extra game, why didn't you make that the plus-one game and take the winner of the two highest ranked BCS bowls and put them in a real championship game? Why did you just create another game that is just another bowl game?

Mr. SWOFFORD. Well, first of all, the idea you just expressed was discussed at that time. It was also discussed a year ago on behalf of the ACC and the SEC, and there was not enough support within the group to move that forward. I think, really, when you go back to the origin of what is now the four games plus the national championship game which was added, as you said, for the past 3 years, and the double hosting model where that rotates to one of the four BCS bowls each year and they host both their bowl game and then the national championship game, what that did was actually open up access.

Mr. BARTON. Open up access?

Mr. SWOFFORD. Yes. Because it gives two more teams the opportunity to play.

Mr. BARTON. In a nonchampionship game.

Mr. SWOFFORD. In the BCS games. And it did not add a game for the two teams that are playing in the championship game. And that was important to some people.

Mr. BARTON. Mr. Thompson, Mr. Bleymaier, does that make sense to you, what he just said?

Mr. BLEYMAIER. Mr. Chairman, yes, it does. It did provide more access, because remember there are six automatic qualifying conferences. With four games, there is only eight slots. So they are guaranteed six of the eight. So we only had two chances to get in.

Mr. BARTON. But it didn't give you a much better chance to get into the game.

Mr. BLEYMAIER. Absolutely. This isn't really in reference to the national championship.

Mr. BARTON. But the whole point of the BCS, theoretically, although we now know it is money, but at least to the fans it is to pick the championship, which you so eloquently pointed out.

Mr. BLEYMAIER. Right. And it was interesting, as Commissioner Swofford has mentioned, that this was discussed last year. It was discussed by the commissioners. It was never discussed with the athletic directors, who are part of the BCS committee, which I found very curious. But to your point, it didn't do anything more for the national championship, but it did provide more access.

Mr. BARTON. And it provides more money. It is one more game.

Mr. BLEYMAIER. Right.

Mr. BARTON. Another week out of the classroom.

Mr. BLEYMAIER. It didn't, because there is not a playoff. So it just basically added another bowl game.

Mr. BARTON. It is the week after all the other bowl games.

Mr. SWOFFORD. If I may, sir. Most of the second semesters have not started at the majority, large majority of the schools.

Mr. BARTON. I am just being sarcastic. That is one of the reasons that we don't have a playoff system theoretically. But we keep showing that that is really not the reason, because we keep adding regular season games, we keep playing Tuesdays, Wednesdays, and Thursdays. And now, the BCS has added another game in addition to the big four daddy bowl games.

Mr. Thompson, if you had a vote, would you add—I think you have—your have put forward an actual playoff proposal which they are going to review. But if your vote was the current system or the four BCS bowls plus a playoff, the plus one, how would you vote on that?

Mr. THOMPSON. I would prefer our proposal with a playoff rather than a plus one.

Mr. BARTON. I am with you. But if you weren't given that vote—I mean, we have got them at least talking about a plus-one system. I would hope you would prefer that over the current system.

Mr. THOMPSON. I agree with Commissioner Swofford and Mr. Bleymaier, that certainly the BCS format now has increased access. It in essence has created two additional spots. Not for the national championship, but it has created two additional spots.

So to answer your question directly: Playoff. But if that is not an option, would you prefer the plus one? Certainly that is something

that should get strong consideration, continued consideration, as all proposals.

Mr. BARTON. Mr. Chairman, this is my last question and I have to run to the airport.

If we move our bill and the President signs it, and I feel very confident that if Chairman Rush and Chairman Waxman want to move the bill that they are going to be successful, and I think Senator Hatch and other Senators are going to be successful in the Senate if they choose to move forward. So let's say that our bill that is currently before this subcommittee becomes law, that you can't advertise the BCS as a national championship game because it would be a violation of the Federal Trade Act, would you still do the BCS? Or would you actually change and go to a playoff?

Mr. Swofford. Because you don't have to change. Our bill doesn't say you have to change the BCS. It just says you can't advertise it as a national championship series.

Mr. SWOFFORD. Congressman, I don't know the answer to that. It hasn't been discussed at any level in direct reference to the bill. And I am not a lawyer. I can't really speak in that sense. So I think that is something that would have to be discussed. I would think the—well.

Mr. BARTON. I would encourage you to start discussing it, because I think there is better than a 50 percent chance that if we don't see some action in the next 2 months on a voluntary switch to a playoff system, that you will see this bill move. So it needs to be something that you need to start discussing.

Thank you, Mr. Chairman. And thank you, gentlemen. I have appreciated your testimony. It is enlightening. And while I don't agree with all of it, it is certainly honest and sincere and I appreciate you being here.

Thank you, Mr. Chairman.

Mr. RUSH. The Chair thanks the gentleman. And the Chair wants to just commend the gentleman as he leaves for his extraordinary work.

I just have one question. It seems to me the issue right here is the fact that we have a national championship series that is not really a national championship series, and that the reason why the legislation, the reason why the involvement of Congress is that it is being advertised as a national championship series. And we think that, although this has a title, it is really a misnomer; the title is a very empty title because of the process and the procedure of selecting the national championship. And it seems to me that there might be—under the current law that there might be some fraudulent practices here, and that is the reason why we are there.

Is this a meaningful title, the national championship title? Is this a meaningful title, in your opinion, Mr. Swofford?

Mr. SWOFFORD. Yes, I think it is. If you look at the level to which college football teams aspire to being the BCS national champion, yes, I think it is.

Mr. RUSH. Mr. Thompson.

Mr. THOMPSON. Based on the ranking system, which I feel are confusing the computers and polls, yes, because, as Mr. Swofford said previously, it has in their opinion, the polls and the BCS rankings, said these are the one and two ranked teams.

Mr. RUSH. OK. But now is there any other way of looking at—is there any other bona fide or better way of selecting the national championship?

Mr. THOMPSON. I feel there is.

Mr. RUSH. OK. Mr. Fox.

Mr. FOX. I think the numbers speak for themselves. If the BCS has been in existence for 11 years and had a one versus two matchup and only nine times before that was able to happen, I think it has allowed that system to take place.

Mr. RUSH. And Mr. Bleymaier?

Mr. BLEYMAIER. I think that the national championship ought to be decided on the field like the other 88 NCA championships are.

Mr. RUSH. The Chair certainly thanks all the witnesses for your time and also for your forthrightness, for your participation. Let the record reflect that there will be an additional 7 days for any additional questions that might be presented to the witnesses via writing, in writing. And we would ask that you respond within another 7 days if there are in effect any additional questions.

And, lastly, the Chair entertains a unanimous consent request to enter into the record the statement of Mr. Neil Abercrombie of Hawaii. And hearing no objection, it is so ordered.

[The prepared statement of Mr. Abercrombie follows:]

Mr. RUSH. The Chair now concludes this hearing. The hearing today is now adjourned.

[Whereupon, at 12:05 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]





April 29, 2009

Dear Member of Congress:

Over the last several weeks much has been said on Capitol Hill about post-season college football, a potential college football playoff and the Bowl Championship Series. We understand that you are hearing from a number of bowl organizations about the many economic benefits provided by those games to their communities. We write to express our agreement with the bowls and to note many additional benefits that bowls provide to universities, students, and fans.

Post-season college bowl games are unique in American sports. The first was played more than a century ago, and the bowls have been a continual part of the American holiday celebration for more than 75 years and are an integral part of the college football experience for many athletes, students, alumni, and friends of the participating institutions. Over the years, bowls have returned significant revenues to colleges and universities. In the past decade, more than \$1.8 billion has been paid to institutions participating in bowl games and the next decade conservatively will see more than \$2.4 billion paid.

A broad-based bowl system has numerous other benefits. It preserves the primacy of regular-season football, which is essential to the economic interests of every institution that participates in the NCAA Football Bowl Subdivision. The system also provides enjoyable post-season experiences for approximately 6,800 student-athletes, countless other students (band members, cheering squads, and the like), hundreds of staff members and some 1.7 million fans of 68 universities every season. Significant alteration of the college post-season would deprive numerous other student-athletes, band members, cheering squads and fans of the opportunity to participate in post-season football.

The bowl system is also consistent with the welfare of student-athletes. College football players are not professional athletes. For virtually all of them, their days of competitive football will end when they leave the academic world behind. The bowl system allows them to enjoy the experience of post-season play and the thrill of competing at the highest level with due regard for the physical toll of the game and an appropriate respect for their status as amateurs. For most student-athletes, the bowl experience will be the highlight of their athletic careers.

A broad-based bowl system is also consistent with the educational missions of universities. As currently constituted, the bowl events fit comfortably within the university calendar, leaving December free for student-athletes, as well as other students, to meet their academic obligations. And, by maintaining football as a one-semester sport, the bowl system permits a sensible university sports calendar that keeps the spotlight on other sports such as men's and women's basketball and other winter sports programs during the month of January and thereafter.



We urge you to consider  
bowl system, which we believe is

the benefits of a broad-based  
in the best interest of the game.

Sincerely,

Charles Steger, President, Virginia Polytechnic Institute and State University  
John Swofford, Commissioner, Atlantic Coast Conference

Mark Nordenberg, Chancellor, University of Pittsburgh  
Michael Tranghese, Commissioner, Big East Conference

Graham Spanier, President, The Pennsylvania State University  
Jim Delany, Commissioner, Big Ten Conference

Harvey Perlman, Chancellor, University of Nebraska-Lincoln  
Dan Beebe, Commissioner, Big 12 Conference

John Peters, President, Northern Illinois University  
Rick Chryst, Commissioner, Mid-American Conference

Dave Frohnmayer, President, University of Oregon  
Robert Shelton, President, The University of Arizona  
Tom Hansen, Commissioner, Pacific-10 Conference

Robert Khayat, Chancellor, The University of Mississippi  
Mike Slive, Commissioner, Southeastern Conference

Wright Waters, Commissioner, Sun Belt Conference

Rev. John Jenkins, C.S.C. President, University of Notre Dame du Lac  
Jack Swarbrick, Director of Athletics, University of Notre Dame du Lac



April 28, 2009

Dear Member of Congress:

Over the last several weeks much has been said on Capitol Hill about post-season college football, a potential college football playoff and the Bowl Championship Series. The current system of bowls – as opposed to proposals for a playoff – generates significant economic impact in communities across the United States, supports numerous charitable organizations, and benefits universities, students, and fans. We write to inform you of the Association's strong support of the bowl system and the BCS.

Post-season college bowl games are unique in American sports. The first was played more than a century ago, and the bowls have been a continual part of the American holiday celebration for more than 75 years. Today, there are 34 different bowl games in cities across the United States (including one in Toronto).

The bowl organizations are largely community-based, non-profit entities that generate enormous economic benefits for their metropolitan areas and support numerous charitable endeavors. It is estimated that the bowl games create an annual aggregate economic impact in host communities of more than \$1 billion, with fans and teams filling hotel rooms, and restaurants and other hospitality venues that would not be at capacity during the holiday season. Moreover, in the past decade, more than \$1.8 billion has been paid to institutions participating in bowl games and the next decade conservatively will see more than \$2.4 billion paid. In addition, bowls have contributed millions of dollars annually to charitable organizations.

A broad-based bowl system has numerous other benefits. It preserves the primacy of regular season football, which is essential to the economic interests of every institution that participates in the NCAA Football Bowl Subdivision. The system also provides enjoyable post-season experiences for approximately 6,800 student-athletes, countless other students (band members, cheering squads, and the like), hundreds of staff members and some 1.7 million fans of 68 universities every season. An expansive playoff might accommodate 16 institutions at most; other student-athletes, band members, cheering squads and fans would be denied the opportunity to participate in post-season football.

A broad-based bowl system is consistent with the educational missions of universities. As currently constituted, the bowl events fit comfortably within the university calendar, leaving December free for student-athletes to meet their academic obligations. And, by maintaining football as a one-semester sport, the bowl system permits a sensible university sports calendar that keeps the spotlight on other sports such as men's and women's basketball and other winter sports programs during the month of January and thereafter.



These benefits would be threatened by the creation of a college football playoff. Bowls not only depend on the attendance but also on support from television networks and corporate sponsors. Such a playoff would inevitably focus fans' interest and, therefore, television and sponsorship interest, away from the bowls as a whole, thus imperiling the survival of these vital local events.

We urge you to consider the benefits of a broad-based bowl system and to oppose calls for a multi-game, NFL-style football playoff.

Sincerely,

**Football Bowl Association**

ALLSTATE SUGAR BOWL  
 AT&T COTTON BOWL  
 AUTOZONE LIBERTY BOWL  
 BELL HELICOPTER ARMED FORCES BOWL  
 BRUT SUN BOWL  
 CAPITAL ONE BOWL  
 CHAMPS SPORTS BOWL  
 CHICK-FIL-A BOWL  
 EAGLEBANK BOWL  
 EMERALD BOWL  
 FEDEX ORANGE BOWL  
 GAYLORD HOTELS MUSIC CITY BOWL  
 GMAC BOWL  
 INDEPENDENCE BOWL  
 INSIGHT BOWL  
 TOSTITOS FIESTA BOWL  
 INTERNATIONAL BOWL  
 MOTOR CITY BOWL  
 KONICA MINOLTA GATOR BOWL  
 MAACO BOWL LAS VEGAS  
 MAGICJACK ST. PETERSBURG BOWL  
 MEINEKE CAR CARE BOWL  
 MOTOR CITY BOWL  
 NEW MEXICO BOWL  
 OUTBACK BOWL  
 PACIFIC LIFE HOLIDAY BOWL  
 SAN DIEGO COUNTY CREDIT UNION POINSETTIA BOWL  
 PAPAJOHNS.COM BOWL  
 R+L CARRIERS NEW ORLEANS BOWL  
 ROADY'S HUMANITARIAN BOWL  
 ROSE BOWL GAME PRESENTED BY CITI  
 CITI BCS NATIONAL CHAMPIONSHIP HOSTED BY TOURNAMENT OF ROSES  
 SHERATON HAWAII BOWL  
 TEXAS BOWL  
 VALERO ALAMO BOWL

John Swofford Responses to Questions from members of the House of Representatives  
Subcommittee on Commerce, Trade and Consumer Production

**The Honorable Jim Matheson**

1. **You provided a lengthy and detailed history of the BCS in your testimony. In your description of the historic nature of the BCS, you said, "The BCS has for the first time in the college football history made it possible for the bowls to guarantee a match up between the top two teams in the nation each year." I find that to be interesting because last season, the University of Utah, in my district, was undefeated and could not play for the BCS National Championship. The same thing happened to Boise State in 2006 and to Utah in 2004. Why do you think the current system truly allows all NCAA schools to participate?**

RESPONSE: The system is fair because every team that participates in the NCAA Football Bowl Subdivision can earn an automatic berth in the BCS and can become eligible for at-large selection by one of the bowls. The qualifying standards were reflected in my testimony. As for the National Championship Game, the standards are the same for every institution. A team that finishes first or second in the final BCS Standings plays in that game regardless of conference affiliation. As for the teams mentioned, all three had the same opportunity to qualify for the national championship game as any other team. In those years, however, other teams were ranked higher in the final BCS Standings. In all three cases, however, those teams were guaranteed slots in BCS bowl games. But for the BCS, those guaranteed slots would not have been available to those institutions.

Teams from conferences without annual automatic qualification have more access to the BCS bowl games than ever before. In the 45 years between the end of World War II and 1991, those teams played in the BCS bowls games six times. In the past five years, they have played in the BCS games four times. The BCS is a fair system that has enhanced access for all Football Bowl Subdivision teams.

2. **In your testimony, you also argue that the BCS is (a) fair system because it is more equitable than the conference systems it replaced. While it may certainly be an improvement about (sic) previous conference-to-conference agreements, please explain how the BCS system is fair to all NCAA Division I college football programs.**

RESPONSE: My response to No. 1 also answers this question.

3. **In your testimony regarding alternative systems—such as an actual playoff for college football—you provide very little information regarding why a playoff system could not work. Please expand upon any concerns held by the BCS on this subject.**

RESPONSE: I am unable to list concerns held by the BCS because the BCS is not an entity but rather an event that is managed through contracts among the conferences, Notre Dame, the bowls and a television rights-holder. I can speak personally, however, and having heard conversations among commissioners, college presidents, coaches, bowl representatives and

others, I am happy to cite a number of the concerns that have been raised. While individuals within each group have spoken in favor of “deciding the college football championship on the field,” if a vote were taken, I don’t think that any of those groups would support a playoff. Each group has different reasons. Following is a summary of those reasons, compiled from conversations through the years. Some reasons are held by more than persons in one group, but I have listed them only once.

#### College Presidents

- \* College football’s role in higher education must be maintained.
- \* Specifically, extending the season would create significant problems in two areas: (1) interference with final exams and (2) extending football into a two-semester sport.

#### Athletics directors

- \* A playoff would undermine the regular season. No sport’s regular season means as much as college football’s. In effect, it is a 13-week playoff that peaks with a frenetic five weeks in November and the first weekend of December.
- \* Regular-season football is the most important event of the year, athletically and culturally, for the vast majority of Football Bowl Subdivision institutions. Anything that might damage the regular season must be viewed with skepticism.
- \* Lower- and middle-tier programs use bowl games as a springboard for improvement.
- \* Bowl games give universities a focal point to rally their fans, alumni and boosters to build on their relationship with their favorite school. The universities also receive national exposure. Fans have the opportunity to "vacation" with their favorite team in a fun and often unique destination.
- \* If the games are played at the bowl sites, as some have suggested, then traveling great distances to attend playoff games for two, three or four consecutive weeks would be costly and logistically difficult for fans, particularly during the holiday season when many seats on airline flights are booked by vacationers. Unlike basketball, where 1,000 or fewer fans follow most teams in the NCAA championships, 15,000 or more of each school’s fans attend Bowl Championship Series (BCS) games each year.
- \* Bowl sites are not neutral sites for teams from the northern tier.
- \* Other playoffs are played at home sites until the final game. However difficult weather conditions could exist at northern-tier sites. Further, the NCAA found many years ago that home courts provided an unfair advantage for teams participating in the Division I Men’s Basketball Championship; surely the same would hold true in football.

Coaches

- \* More than 30 teams now end the season with victories.
- \* More than 60 teams enjoy the bowl experience.
- \* The allure of qualifying for a bowl game provides incentive for many teams at the end of the regular season.
- \* With three or four extra games, injuries would invariably mount and a playoff could become a battle of attrition.

Conference Commissioners

- \* Selecting a playoff field would be no easier than choosing the Bowl Championship Series participants under the current system—and arguably it would be more difficult because of the pyramid theory which hypothesizes that the more teams in a championship bracket, the more teams with valid arguments why they were not selected.
- \* A playoff would diminish the importance of conference championship games.

Student-Athletes

- \* More games would mean more time away from class and, potentially, final exams.
- \* More games would increase the chances of injury.
- \* Under the current system, bowl trips are enjoyable experiences that provide entertaining and often educational outings at host cities for an extended period of time. Under a playoff system, that would be less true.
- \* If, as most have speculated, a playoff would diminish the bowl structure, the opportunities for student-athletes to play in the postseason would be reduced and that's not a good thing.

Bowls

- \* The cultural nature of upper-tier games would change if they were used in a payoff, even with the doubtful assumption that they could be used as playoff sites. Teams would probably arrive the day before the game, play the game and go home. Now, the teams and their fans arrive several days before the game remain in the host city for several days.
- \* Most bowl executives believe a playoff would mean the end of the middle- and lower-tier bowl games and potentially all of the bowl games over time; the following would be among the negative effects in the host cities:

- Loss of a significant economic impact;
  - Diminishing of volunteer opportunities;
  - Damage to civic groups and charities which derive funds from the bowl games.
- \* Bowls are a holiday—a cultural experience—for 60-plus teams each year, each with 100 student-athletes, perhaps 200 band members and some three dozen cheerleaders, mascots and dance teams. These young people travel to interesting locales, take part in many unique experiences, and are treated as if they are all national champions.

General

- \* Determining the appropriate number of teams for a playoff would be controversial. Eight teams, with the finalists playing three games, would not enough because there are 11 conferences plus independents. A 16-team field would require the finalists to play four games.
  - \* A 32-team NFL can make a 12-team playoff work nicely in its system. This is not true of college athletics.
4. **What do you think of the Mountain West hybrid proposal? Other than the fact that it is different from the BCS and conference-to-conference system, does it have merit? Why or why not?**

RESPONSE: When the commissioners of the other 10 conferences consulted their memberships this spring, no conference supported the Mountain West's playoff proposal, for the reasons cited above. Also, the conferences felt obligated to the existing contracts. The BCS agreement that will start in 2011 was agreed to by all the conferences in November of 2008. The Mountain West proposals were brought to us after we had reached that agreement, and it was the position of the 10 conferences and Notre Dame that we would honor our commitments to ESPN and not advance the Mountain West proposals at that time.

But they have not been summarily rejected, and indeed, what we have stated publicly is that when the next BCS agreement is negotiated, we will consider the proposals of the Mountain West, as well as any other proposals brought forth by any conference or Notre Dame for changing the Bowl Championship Series to make it better.

5. **Your testimony also says that changes to the post-season BCS system should not be considered in isolation. You say that it “has an economic component that cannot be ignored.” So why is it unreasonable to establish a system that provides all Division I schools with access to the financial rewards that come with a successful college football program?**

RESPONSE: As my earlier responses indicate, the current BCS system does allow financial rewards to all conferences, including those without annual automatic berths. In fact, it subsidizes the non-automatic bid conferences by providing them with payments far exceeding what those conferences would be able to obtain on their own.



6. **Mr. Thompson with the Mountain West Conference pointed out the fact that the BCS system heavily weights participation of non automatic qualifier schools based on the Coaches' poll and the AP poll. The quotes in his testimony clearly indicate that many poll participants are unfamiliar with schools outside the major conferences and oftentimes have not actually watched these schools play football. Yet, their responses to poll questions can result in the perception that some conferences, such as the Mountain West Conference, are much weaker than in fact they are. Is it fair for the BCS system to continue to rely on inaccurate polls instead of actual games on the field? If you believe the current system is fair, please explain why.**

RESPONSE: The Associated Press poll is not used in compiling the BCS Standings. I did not hear Commissioner Thompson state that the system heavily weights participation of non automatic qualifier schools on the polls. The polls have the same effect on every team, and so I cannot speculate about his comments. I also am not familiar with the various voters' "responses to poll questions," so I am unable to comment.

I do know that the commissioners and the Notre Dame athletic director want the polls to be as accurate as possible. While the conferences and Notre Dame do not administer either human poll that is used in compiling the BCS Standings, we will continue to work hard to ensure that Harris Interactive and the American Football Coaches Association (AFCA)—the groups that administer the polls—do everything possible to ensure their accuracy.

Both Harris Interactive and the AFCA take steps to correct what they call "outlying" voters; those are voters who deviate too much from the mean. They take their responsibility very seriously. In any case, we continue to monitor them strongly.

7. **The pre-season polls build an inherent bias as to which teams have an opportunity finish in the top two positions, which allows these teams to play in the championship game. Why does the BCS allow this flawed approach to be a part of its process?**

RESPONSE: We all agree that pre-season rankings are meaningless, which is a major reason why the BCS does not compute its first set of standings until mid-October. Three elements are used to compile the BCS Standings: The Harris Intercollegiate Football Poll, the AFCA Poll and the average of six computer rankings. Harris does not compile a pre-season poll. We ask that the computer rankings providers not compile pre-season rankings. The AFCA does compile a pre-season poll, and we are disturbed by it. We have asked the AFCA to cease. Having said that, our research has shown that the influence of pre-season polls generally "washes out" by the middle of the season.

**The Honorable Joe Barton**

- 1. Do you think it is fair that a school with a perennial losing record is awarded more money because of their conference affiliation than a team that is annually in the top 20 with a winning record but is from a conference that does not automatically share in the riches?**

RESPONSE: As with the NCAA championships, revenue from the BCS is distributed to conferences, not to individual institutions. Yes, I do believe that is fair because that is what the NCAA members want. I can't speak for everyone, but I believe most schools prefer that revenue be distributed through the conferences as an "insurance policy" against a time when their school's performance is not as strong. Both the Mountain West Conference and the Western Athletic Conference distribute revenue received from BCS games to all member institutions of their leagues.

- 2. In May 2008, at last year's football conference meeting, SEC commissioner Mike Slive made the "plus-one" proposal, where the two winners of bowl games would play an additional game. It failed to win approval but it was reported: "Slive said only he and Swofford showed much desire in seriously pushing forward the proposal."**

- a. Are you personally in favor of a playoff system?**

RESPONSE: I am not, but I did see some credence in the "plus-one" model being a potential next step in the evolution of post-season college football because I believe that it could still be accomplished within the current parameters set forward by the presidents. That view, however, is not shared universally.

- b. Is the ACC in favor of a playoff system?**

RESPONSE: A majority of the presidents and chancellors of Atlantic Coast Conference institutions do not favor a playoff.

- 3. What are the duties of the BCS coordinator?**

RESPONSE: One of the conference commissioners fills the role of BCS coordinator on a two-year rotating basis. The coordinator's role is to monitor the relationships among the conferences, Notre Dame, the bowls and the other contracted agencies. The coordinator also represents the conferences as spokesperson. The coordinator's office manages the finances.

- 4. Does the BCS have an operating budget and could you please provide us with those figures since 2001?**

RESPONSE: Yes, there is an operating budget. As was mentioned above, the role of the BCS Coordinator rotates and therefore I have included the operating budget that we have been working under since I assumed the role of Coordinator in January 2008.

**5. Who funds the BCS operating budget?**

RESPONSE: The six conferences with automatic berths for their champions fund the BCS operating budget.

**6. How much has the BCS spent each year on lobbying since 2001? Please identify those firms that where (sic) hired and the amounts paid to those firms.**

RESPONSE: The BCS has had a relationship with the J.C. Watts Companies since 2003. In April, in preparation for the hearing that you requested, we also enlisted the services of Hogan and Hartson. With respect to the J.C. Watts Companies the breakdown is as follows:

2003: 52,500  
 2004: 112,500  
 2005: 90,000  
 2006: 97,500  
 2007: 82,500  
 2008: 70,500  
 2009: 54,000

With respect to Hogan & Hartson, the BCS has paid \$90,300 for April and May, 2009.

**7. How is the BCS coordinator elected or appointed?**

RESPONSE: The coordinator's role rotates among the automatic qualifying conferences and is agreed upon by the Group of 12.

**8. You state the bowls annually "return millions of dollars to local charities and philanthropic organizations."**

**a. Please provide specific amounts each bowl has given to charities each year since the BCS was created.**

**b. Please identify the charitable or philanthropic organization recipients associated with your answer to "a" above and the amounts each received each year.**

RESPONSE: My comment was based on my personal knowledge of the \$2.5 million donated for the construction of a youth football field in the city of Miami by the Orange Bowl, the Atlantic Coast Conference's contracted BCS bowl, in 2008-09. There are other bowls with which the ACC has contracts that have donated substantially to charities over the years. The Chick-Fil-A Bowl in Atlanta has been among the most generous bowls. For the period 2002-07, the Chick-Fil-A Bowl, on its website, reports that it gave \$3,473,000 to charity. Also on its website, for 2007-08, the Chick-Fil-A Bowl alone reported more than \$1 million given to charity broken down as follows: (1) \$375,000 for the Chick-Fil-A Bowl Alma Mater Golf Event in which teams of head coaches and celebrities representing colleges and universities from around the county compete for a pool of \$375,000 in scholarship money; (2) \$190,000 to the WinShape Homes Foundation, which operates a long-term care

alternative for children needing an alternative home environment. Seven of those homes are in Georgia, two in Tennessee, and one in Brazil; (3) \$180,000 for the National Football Foundation "Play It Smart" Program, an educational program targeted at high school football players from economically disadvantaged backgrounds; (4) \$200,000 for endowed scholarships at Clemson and Auburn Universities; (5) \$53,000 for Georgia High School Scholarships for high school players and team managers in the state of Georgia; and (6) \$50,000 to the Georgia Lion's Lighthouse Foundation, an organization that dedicated to fostering "sight conservation and restoration and hearing conservation, with a particular emphasis on children. There are 32 other bowl games that are played each year, many of which contribute to charities and other philanthropic organizations.

I am not privy to the specific information requested from each of the bowls. That information would be in the possession of the individual bowls.



AIR FORCE  
BYU  
COLORADO STATE

NEW MEXICO  
SAN DIEGO STATE  
TCU

UNLV  
UTAH  
WYOMING

CRAIG THOMPSON, COMMISSIONER

July 2, 2009

**\*\* SENT VIA E-MAIL & HARD COPY \*\***

The Honorable Jim Matheson  
United States House of Representatives  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

Dear Congressman Matheson:

I very much appreciated the opportunity to appear before the Subcommittee on Commerce, Trade, and Consumer Protection during the hearing Friday, May 1, in order to express the concerns the Mountain West Conference has with the current structure of the Bowl Championship Series (BCS). As you know, our member institutions believe there are fundamental flaws in the system which need to be addressed.

My responses to your written questions for the record are outlined below.

1. You pointed out the fact that the BCS system heavily weights participation of non automatic qualifier schools based on the Coaches' poll and the AP poll. The quotes in your testimony clearly indicated that many poll participants are unfamiliar with schools outside the major conferences and oftentimes have not actually watched these schools play football. Yet, their responses to poll questions can result in the perception that some conferences, such as the Mountain West Conference, are much weaker than in fact they are. Is it fair for the BCS system to continue to rely on inaccurate polls instead of actual games on the field? If you believe the current system is fair, please explain why.

Response: The MWC does not believe it is fair for the BCS system to continue to rely on inaccurate polls. We feel opportunities to participate in bowl games, compete for national championships and earn the attendant revenue should be based upon performance. That is why our BCS Reform Proposal offered alternatives for determining automatic qualification and competition for the national championship, along with a 12-member selection committee to replace the current polls and computers, allowing the players to decide the outcome on the field.

The coaches' and Harris polls are biased in favor of schools from the six automatic-qualifying conferences because many of the voters are enamored by reputation, past history, assumptions and perceptions – rather than an evaluation of the current actual performance of teams on the field. This bias is exacerbated by the labels inherent within the current BCS structure, such as “non-BCS” and “non-AQ”, which announce to the world that our conferences and institutions are in a lesser category, thus influencing their “worthiness” in the minds of the voters. The proposed selection committee would be charged with gathering and analyzing all of the pertinent data before ranking the teams. Members would closely follow teams over the course of a season.

The Honorable Jim Matheson  
July 2, 2009  
Page No. 2

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2. The pre-season polls build in an inherent bias as to which teams have an opportunity to finish in the top two positions, which allows these teams to play in the championship game. Why does the BCS allow this flawed approach to be part of its process?

Response: The MWC would like to see the elimination of the coaches' pre-season poll from the process and, in fact, strongly supported that position in recent discussions about the BCS rankings system. While I cannot answer on behalf of the BCS (hopefully a similar question has been posed to the BCS hearing participants), it has been said that, while the system is admittedly flawed, it is the best that could be constructed. The MWC believes differently. One could also hypothesize retention of the current rankings system, with the inherent biases noted above, is in the best interest of the six automatic-qualifying conferences which enjoy its benefits.

Thank you for your interest in this important topic. Please let me know if you have additional questions or if I can be of further assistance.

Sincerely,



Craig Thompson  
Commissioner

CT:bg

Cc: The Honorable Henry A. Waxman  
Chair – House of Representatives Committee on Energy and Commerce

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*Member, District of Columbia Bar*

August 14, 2009

Mr. Earley Green  
Committee on Energy and Commerce  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515-6115

Dear Mr. Green:

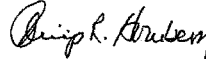
On behalf of the Football Bowl Association, I am hereby transmitting responses to Chairman Waxman's letter of June 23, 2009. While the Chairman's letter requested responses by July 9, for various reasons that I explained to you in our conversation of July 8, you extended that deadline until today.

The Chairman's letter was directed to Mr. Derrick Fox, a member of the Board of the Football Bowl Association, who testified at the May 1 hearing. His responses and that of Mr. Paul Hoolahan, Chairman of the Football Bowl Association, are attached.

Should you have any further questions, please communicate directly with the undersigned.

Thanking you in advance, I am

Sincerely,



Philip R. Hochberg

Attachments

The following are responses directed to questions posed by The Honorable Jim Matheson (D-UT) and The Honorable Joe Barton (R-TX) directed to Derrick Fox, President and CEO of the Valero Alamo Bowl pursuant to a letter dated June 23, 2009 from Chairman Henry Waxman of the House Committee on Energy and Commerce. Given that Mr. Fox was a substitute at the May 1 hearing for Paul Hoolahan, Chief Executive Officer of the Allstate Sugar Bowl and Chairman of the Football Bowl Association, the answers to the questions may be from Mr. Fox or Mr. Hoolahan, but represent the position of the Football Bowl Association (FBA) and do not represent the position of the Bowl Championship Series (BCS).

(Please note that although the letter from Chairman Waxman was dated June 23, it was not received by Mr. Fox until July 7. In light of that, a request was made for an extension of time for filing this reply. Pursuant to oral communication from Mr. Earley Green, Chief Clerk, on July 8, 2009, an extension to respond was granted until August 14, 2009.

**Answers to The Honorable Jim Matheson:**

1. **Mr. Thompson with the Mountain West Conference pointed out the fact that the BCS system heavily weights participation of non automatic qualified schools based on the Coaches' poll and the AP poll. The quotes in his testimony clearly indicate that many poll participants are unfamiliar with schools outside the major conferences and oftentimes have not actually watched these schools play football. Yet, their responses to poll questions can result in the perception that some conferences, such as the Mountain West Conference, are much weaker than in fact they are. Is it fair for the BCS system to continue to rely on inaccurate polls instead of actual games on the field? If you believe the current system is fair, please explain why.**

The question is directed to issues specific to the BCS and would more appropriately and accurately be answered by representatives of the BCS.

2. **The pre-season polls build in an inherent bias as to which teams have an opportunity to finish in the top two positions, which allows these teams to play in the championship game. Why does the BCS allow this flawed approach to be part of its process?**

The question is directed to issues specific to the BCS and would more appropriately and accurately be answered by representatives of the BCS.

**Answers to The Honorable Joe Barton**

1. **The Football Bowl Association (FBA) represents all bowls, including the BCS bowls, correct? Who pays for the FBA expenses?**

*Mr. Hoolahan: Each member of the FBA contributes to the expenses of the organization.*

2. **All the non-BCS bowls would like to get the bigger payouts and greater attention of the BCS bowls, correct?**

*Mr. Hoolahan: Every bowl would like to be as successful as possible.*



- a. Aren't many of the non-BCS bowls, such as your Alamo bowl, in conflict with the desires of the BCS bowls?

*Mr. Fox:* I am not certain of the meaning of being "in conflict with the desires of the BCS bowls." The Alamo Bowl recognizes it can best serve its function and the community of San Antonio in much the fashion that it has: as a mid-level bowl organization, providing a once-in-a-lifetime experience to the student athletes, band members, cheer squads, parents, and fans who attend the bowl game, while at the same time, catering to and benefiting the community in which the bowl is located.

- b. How do you, as the representative of the Bowl Association, represent both sets of bowls without conflict?

*Mr. Fox:* I have not acted as a representative of the designated BCS bowls, but rather I have appeared before Congress representing the Football Bowl Association. To that end, I had and have no conflict.

3. The Bowl Association includes the bowls Mr. Swofford's system has awarded as the designated BCS bowls. Do all the non-BCS bowls share the same position regarding the BCS? Do any bowls want to see the creation of a playoff system they can be a part of?

*Mr. Fox:* While I have not personally surveyed each individual bowl organization, I am unaware of a bowl organization that favors the creation of a playoff system.

4. You state that a playoff will substitute games for events. Are you saying it is more important to have athletes participate in meaningless "events" for show and tourism and "economic impact" rather than in games of competition the sport was designed to promote?

*Mr. Hoolahan:* I can assure you that the teams, coaches, and fans who have participated in the many bowl games across the country show up to compete and show up to win. I've yet to hear a bowl participant characterize the experience as "meaningless" and, in fact, most recall their bowl experience(s) as the highlight of their collegiate athletic career. My observation is that the bowl experiences offer the excitement and entertainment of participating in a competitive sporting event over a multi-day period of time. Under a playoff scenario, teams would arrive a day prior to the game, with one team acting as the "visitor," playing on the home field of their competitor, similar to the NFL playoff series. The players, coaches, students, parents, and fans, along with the host cities of the individual bowls, would likely have a dramatically difference experience under a playoff series scenario than under the current bowl game system.

5. You quoted from a story several years ago regarding the Outback Bowl between Georgia and Wisconsin. The quote states no one outside of Georgia or Wisconsin cares about the game, but everyone wins.

- a. What makes you think a playoff would change that fact if neither team is in the mix for a national championship that year? Isn't that the same as every bowl today? People watch and turn out even though they know the game has no impact on the national championship, correct?

*Mr. Hoolahan:* The question ignores the economic reality of the bowl game experience and the future of bowl games, if a playoff was created. We believe the economics which make numerous bowl games possible – both television and sponsorship – would shift, resulting in a singular focus on playoff games and the opportunity for non-playoff teams would disappear.

- b. **Would the Alamo Bowl sponsors rather have a 6-6 team play in the bowl against a 10-3 team or would it rather have two one-loss teams playing the Alamo Bowl as part of a playoff. Which would sell more tickets and garner more viewers?**

*Mr. Fox: Our experience at the Alamo Bowl is testimony to the fact that college football bowl games often provide surprising outcomes, regardless of records of participating teams. As a matter of fact, the 2006 Alamo Bowl featuring Texas (9-3) vs. Iowa (6-6) produced our second highest attended game (65,875) and generated a 6.0 rating, making it the most-viewed bowl game in ESPN college football history and ESPN's second-most viewed college football game – regular or post-season – of all time. Clearly, these teams had a loyal following despite their second records, yet they also had a 30-day advance notice that they would play in San Antonio, which certainly allowed for fans and family to make the necessary logistical and financial arrangements to attend the game.*

*Under a playoff scenario, teams typically have one week to prepare for the “next game” as they proceed toward the championship game. In 2007, we hosted the Big 12 Championship (#1 Missouri, with an 11-1 record, vs. #9 Oklahoma, with a 10-02 record), which was the highest profile game we had hosted and a de facto playoff, since the game outcome would determine the schools' post-season fate. With one week to prepare, the net result was attendance less than our Alamo Bowl game average, as each team attracted under 7,500 fans to attend, even though both Missouri and Oklahoma are in the geographic footprint of San Antonio. Despite the proximity and despite the impressive season records, the matchup failed to generate even average Alamo Bowl attendance numbers by comparison.*

6. **Under Craig Thompson's playoff scenario, the Orange Bowl would have a better match-up if it were part of a playoff than this year's match-up that was the lowest BCS bowl this year. Doesn't that mean those teams – Cincinnati and Virginia Tech – would then be available to play in another non-BCS bowl that would elevate those non-BCS bowls?**

*Mr. Hoolahan: While I would not propose to answer for the Orange Bowl, facile projections and theoretical explanations of what would happen under any number of playoff series scenarios reveal that proponents simply have an “idea,” void of any actual business plan, which takes into account numerous competing factors. Among the many considerations, it remains to be seen if: fans would follow teams from city-to-city as they move through a playoff series; whether games would have to move from current bowl sites to campus sites, due to lack of resources and time to prepare; whether one team would have to act as the “visitor” playing on the home field of their competitor, thereby clouding the playoff series credibility by raising the question of home field advantage; and, in the instance that fans cannot travel from city to city, whether or not teams would be appealing enough to attract the participating of local communities. The current bowl system was not designed to be – nor does it seek to be, an NFL-type playoff structure, the likely result of a collegiate playoff series.*

7. **Your written testimony states the 29 communities hosting 34 bowls benefit because up to one quarter of the proceeds are dedicated to the community. You further state because of the bowl proceeds, “local charities receive tens of millions of dollars every year.”**

- a. **Please provide the specific amounts each bowl has given to charities each year since the BCS was created.**

*Mr. Fox: My comments relative to the contributions made by the bowl organizations were based on conversations and interaction with numerous bowl organizations during my 17 years as President and CEO of the Alamo Bowl. My good faith understanding and impression is that the bowl organizations contribute to their respective communities, as well as to the non-profit education institutions who participate in the individual bowl games. Specific data representing the contributions made by both my own Alamo Bowl and the Allstate Sugar Bowl (represented by Mr. Hoolahan, the Chairman of the Association) for the 2008-2009 bowl season is attached. We are not in possession of the data relating to the contributions of the other bowl organizations. I believe Mr. Swofford has offered contribution information of two other bowl organizations, the FedEx Orange Bowl and the Chick-fil-A Bowl. I would suggest that data relative to the other bowl organizations can be obtained directly from them.*

- b. **Please identify the charitable or philanthropic organization recipients associated with your answer to "a" above and the amounts received each year.**

*Mr. Fox: See my answer in "a" above.*

**Valero Alamo Bowl 2008-2009 Charitable and Non-Profit Donations**

Missouri vs. Northwestern	\$3,850,000
Scholarships	108,000
Concessions donated to various charities	28,418
Ticket Donation to military	21,315
Ticket Donation to charities	17,600
Leukemia & Lymphoma Society	13,944
Zach Johnson Disaster Relief	10,000
Kids Sports Network	9,610
Event Tickets and Merchandise donations	8,985
Ticket donations for scholarships	7,000
Food Bank	4,000
First Tee Million Dollar Shootout	2,500
KSN	1,000
Fox Tech Band Pigskin Preview	500
Hoss Brock Memorial (TCU)	500
Family Services	350
<b>TOTAL</b>	<b>\$4,083,722</b>

In addition, the Valero Alamo bowl distributed 5,167 tickets, worth \$284,185 (which had been returned by the participating teams) to various charity organizations throughout the city that would not have had the opportunity to attend the game, but for the cooperation of the teams and the bowl.

**Allstate Sugar Bowl 2008-2009 Charitable and Non-Profit Donations**

Utah vs. Alabama	\$18,000,000 (per BCS) to each institution
New Orleans Police Department	120,000
Maintenance of City Park Stadium	100,000
Xavier-Dillard Crosstown Classic	50,000
Greater N.O. Sports Hall of Fame	40,000
SEC Postgraduate Scholarships	30,000
Hurricanes Youth Volleyball Tournament	25,000
Xavier and Dillard Scholarships	20,000
New Orleans Youth Football Program	10,000
Louisiana Soccer Association	10,000
Miscellaneous charities	10,000
Optimist Midwinter Youth Regatta	8,500
Local student-athlete scholarships	5,000
CoSIDA	5,000
CYO High School Basketball Tournament	5,000
Tulane Volleyball Classic	5,000
Tulane Golf Fundraiser	2,500
SA Regional Tennis	1,000
<b>TOTAL</b>	<b>\$18,447,000</b>

In addition, the Sugar bowl guaranteed the financial bid that helped New Orleans land the 2012 NCAA Men's Final Four.

July 8, 2009

The Honorable Jim Matheson  
United States House of Representatives  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

Dear Congressman Matheson:

Thank you for the opportunity to appear before the Subcommittee on Commerce, Trade and Consumer Protection on Friday, May 1, 2009.

Boise State University and the other members of the Western Athletic Conference believe there are fundamental flaws in the Bowl Championship Series (BCS) policies and procedures that need to be changed.

My responses to your written questions for the record are outlined below.

1. Mr. Thompson with the Mountain West Conference pointed out the fact that the BCS system heavily weights participation of non automatic qualifier schools based on the Coaches' poll and the AP poll. The quotes in his testimony clearly indicate that many poll participants are unfamiliar with schools outside the major Conferences and oftentimes have not actually watched these schools play football. Yet, their responses to poll questions can result in the perception that some Conferences, such as the Mountain West Conference, are much weaker than in fact they are. Is it fair for the BCS system to continue to rely on inaccurate polls instead of actual games on the field? If you believe the current system is fair, please explain why.

Response: Boise State University does not believe the current polls are the best way to determine who plays in the national championship. The fairest way to determine a national champion is by having a 16 team playoff as is done in the Football Championship Subdivision, Division II and Division III already.

What is even more unfair in the current BCS system is that the BCS has concocted a formula to determine who the best teams in the country are at the end of the season.

The Honorable Jim Matheson

July 8, 2009

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They do this by using the coaches' poll, the Harris poll and the computer polls and they combine these to compile the "BCS Rankings."

The BCS rankings come out for the first time in the middle of October and continue weekly until the end of the regular season which is usually the first weekend in December.

There are ten slots available for teams in the 5 BCS games yet the top 10 teams in the "BCS Rankings" do not all get to play in the 5 BCS games.

Twice in the past five years, Boise State University was ranked 9<sup>th</sup> in the final "BCS Rankings" yet was not invited to play in a BCS game!

The BCS awards 6 Conferences automatic bids into the BCS games regardless of their BCS ranking! This is totally unfair and is a fundamental flaw in their own system.

The coaches' poll and Harris poll are biased in favor of schools from the six automatic qualifying Conferences because those Conferences have more exposure, a perceived stronger reputation and more name recognition than the schools from the other five Conferences.

The labels "BCS busters," "non-BCS," "non AQ" and "non equity conferences" that the media use to refer to the five Conferences that do not have automatic berths implies that these Conferences are of a lesser quality, less desirable and of a lower level of competition than the automatic qualifying Conferences. A "class" system is the result.

2. The pre-season polls build in an inherent bias as to which teams have an opportunity to finish in the top two positions, which allows these teams to play in the championship game. Why does the BCS allow this flawed approach to be part of its process?

Response: The BCS powers like this flawed approach because they are the beneficiaries! There is no incentive for the BCS to change because their schools (the 6 automatic qualifying Conferences) are going to be ranked higher in the pre-season polls each year thus protecting their ability to reap the financial rewards and publicity that comes with playing in the national championship game.

How can there be only 8 votes on the BCS Presidential Oversight Committee that governs the BCS? Six Conferences get a total of six vote's, Notre Dame gets its own vote and five Conferences (51 schools) only get one vote! That is ridiculously unfair and very "cartel" like.

The Honorable Jim Matheson

July 8, 2009

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Thank you for your interest in this important topic. Please let me know if you have additional questions or if I can be of further assistance.

Sincerely,

Gene Bleymaier  
Director of Athletics  
Boise State University



July 8, 2009

The Honorable Joe Barton  
United States House of Representatives  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

Dear Congressman Barton:

Thank you for the opportunity to appear before the Subcommittee on Commerce, Trade and Consumer Protection on Friday, May 1, 2009. Boise State University and the other members of the Western Athletic Conference believe there are fundamental flaws in the Bowl Championship Series (BCS) policies and procedures that need to be changed.

My responses to your written questions for the record are outlined below.

1. How big is your athletic budget?

Response: The latest report that compares athletic budgets is the US Department of Education "Equity in Athletic Disclosures Act" (EADA). Boise State University's 2008 fiscal year budget was \$21.6 million.

- a. How many sports does Boise State sponsor?

Response: 19 (8 men's, 11 women's)

- b. How does your budget compare to schools from the automatic qualifier Conferences?

The Honorable Joe Barton

July 8, 2009

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Response:

**2008 US Department of Education Equity In Athletics Report:**

**BCS Conferences:**

Budget	<b>Big East</b>	Expense Budget	<b>ACC</b>	Expense Budget	<b>Big 12</b>
54,614,088	Connecticut	67,820,334	Duke	100,982,596	Texas
50,808,468	Louisville	65,400,485	Virginia	76,945,883	Oklahoma
49,953,265	Rutgers	61,065,308	Boston College	72,449,292	Texas A&M
49,052,709	West Virginia	61,044,532	North Carolina	66,862,007	Nebraska
44,702,831	Syracuse	59,126,212	Clemson	65,707,114	Kansas
39,741,621	Pittsburgh	49,890,014	Virginia Tech	59,168,327	Oklahoma State
33,886,561	Cincinnati	47,126,247	Georgia Tech	48,793,770	Missouri
32,601,053	South Florida	46,849,990	Miami	48,368,260	Colorado
		46,283,648	Maryland	44,151,763	Baylor
		45,125,450	Florida State	40,409,150	Kansas State
		44,537,016	North Carolina State	39,247,970	Texas Tech
		39,599,165	Wake Forest	38,642,013	Iowa State
44,420,075	Avg	52,822,367	Avg	58,477,345	Avg

Expense Budget	<b>SEC</b>	Expense Budget	<b>Big 10</b>	Expense Budget	<b>Pac-10</b>
98,198,583	Florida	98,981,205	Ohio State	76,409,919	Univ of Southern Cal
87,420,748	Tennessee	91,342,337	Wisconsin	56,259,944	Oregon
84,020,180	Georgia	79,275,354	Penn State	47,185,827	Oregon State
76,320,795	LSU	69,784,887	Iowa	63,833,963	California
74,907,732	Alabama	62,397,817	Michigan State	43,958,287	Arizona
69,834,697	Auburn	58,799,567	Minnesota	52,904,827	Arizona State
67,795,060	Kentucky	57,056,999	Purdue	75,127,232	Stanford
64,516,437	South Carolina	52,685,040	Illinois	66,088,264	UCLA
62,655,053	Arkansas	49,209,810	Indiana	36,495,847	Washington State
45,521,855	Vanderbilt	41,835,733	Northwestern	57,330,671	Washington
34,769,709	Mississippi				
30,432,972	Mississippi State				
66,366,152	Avg	55,114,062	Avg	57,559,478	Avg

Expense Budget	<b>Independent</b>	Expense Budget	<b>Boise State University</b>
60,117,476	Notre Dame	21,608,668	Boise State University

The Honorable Joe Barton

July 8, 2009

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- c. How do football revenues affect the budgets of the non-revenue sports and their ability to compete?

Response: Football revenue can play a significant role in the funding of non-revenue sports and their ability to compete. The more money a sport has, the better opportunities it will have to be successful. This is because they will have the ability to hire better coaches, recruit more student athletes, compete in the nicest facilities and provide the best support programs for their student-athletes and staff.

- d. Does the BCS Conference alignment affect recruiting and competitiveness for the other sports Boise State sponsors? How?

Response: Yes.

First, **FINANCIALLY**: The 6 automatic qualifying Conferences and Notre Dame are guaranteed 82% of the BCS treasure chest and can receive up to 91% annually of the current \$132 million that is available. This amount increases significantly beginning in 2011 with the new ESPN television contract. (see response to (c.) above).

Second, **PERCEPTUALLY**: The current BCS system has spawned the media labels; “non-BCS Conferences,” “non AQ Conferences,” “non equity Conferences” and “BCS Busters.” These references imply a lesser quality, less desirable, lower level of competition than the 6 automatic qualifying Conferences. This affects the recruiting of coaches, student-athletes and staff.

- e. Is there a possibility that a school can lose money by participating in a bowl game? Please explain why this could happen.

Response: Absolutely! This happens every year to many schools and/or Conferences participating in Bowl games. Many Conferences record the revenues and expenses of Bowl games through the Conference office budget.

The Western Athletic Conference (and thus the 9 schools in the Conference) – lose money every year participating in Bowl games. This happens to other Conferences as well. Bowl games cost schools money because it is very expensive to send teams – and their marching bands to these events and they do not recover their costs from the Bowl. Costs include: Charter aircraft for a party of around 200-250 people which includes the team, coaches and staff. This can run anywhere from \$100,000 to \$300,000 or more.

The Honorable Joe Barton

July 8, 2009

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Then there is the marching band, cheerleaders and dance teams – this can be another 200 to 300 people and another couple of charter aircrafts.

Add in the cost of food, lodging, local transportation, equipment, overtime expenses for staff, entertainment and a school can easily spend \$600,000 to \$1,500,000 sending up to 500 people to a game!

The Bowls give participating teams a “payout.” But in many cases the payout does not equal the schools expenses. Often times the “payout” is not in cash, but is a combination of tickets and sponsorships. The participating school may get 7,000 tickets valued at \$75 per ticket, totaling \$525,000 and the Conference may be required to be a game “sponsor” for the remaining \$225,000 (or some variation there of). The problem is – the participating school cannot sell the 7,000 tickets so they never get the money allocated to tickets. When the revenues – which are usually just the ticket sales from the school’s allotment, does not equal the expenses – which are always significant, the school and or the Conference eats the loss. The “sponsorship” is just a paper transaction that makes the payout look larger but does nothing financially for the participating team.

Bowl games are during the Christmas holidays and fans have very little notice on if or where their team is playing. The majority of Bowl teams travel very few fans. This results in a loss for the school or the Conference. The Western Athletic Conference annually budgets a \$400,000 loss for each Bowl game a Conference school plays. Three WAC teams participating in Bowls would cost the Conference (schools) \$1,200,000.

Of course, playing in one of the 5 BCS games is different. That is because the “payout” is much larger than the other bowls, and it does cover the expenses of the team.

2. Can you effectively budget and recruit athletes with smaller budgets than the automatic qualifier schools?

Response: No. Every institution does the best they can with the resources they have available. The “arms race” in intercollegiate athletics is an alarming trend. The ability for schools to compete nationally is definitely impacted by their budgets. The big budget schools not only have the advantages of attracting the best coaches and the most coveted student-athletes, they have the unfair advantage of scheduling more non - conference games at home than lower budget schools.

The ability to “buy” non-conference football games and basketball games and thereby start the season with a huge competitive advantage is one of the most unfair practices

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in intercollegiate athletics today. Big budget schools can play all or most of their non-conference football and basketball games at home. Likewise, smaller budget schools must do the opposite. This results in a scheduling discrepancy that is unfair and would never be allowed in Conference play.

Example: Big Budget School Football Schedule: 8 home games, 4 away games.

Lower Budget School Football Schedule: 5 home games, 7 away games.

Occasionally a small budget school will have success in a given sport, but this is the exception – not the rule.

The 6 BCS Conferences and Notre Dame are hoarding the money generated by the BCS to the extreme disadvantage of the other 51 school in Football Bowl Subdivision.

Thank you for your interest in this important topic. Please let me know if you have additional questions or if I can be of further assistance.

Sincerely,

Gene Bleymaier  
Director of Athletics  
Boise State University

