

RPTS BINGHAM  
DCMN MAGMER

This is a preliminary transcript of a Committee Hearing. It has not yet been subject to a review process to ensure that the statements within are appropriately attributed to the witness or member of Congress who made them, to determine whether there are any inconsistencies between the statements within and what was actually said at the proceeding, or to make any other corrections to ensure the accuracy of the record.

THE BOWL CHAMPIONSHIP SERIES:  
MONEY AND OTHER ISSUES OF FAIRNESS  
FOR PUBLICLY FINANCED UNIVERSITIES  
FRIDAY, MAY 1, 2009  
House of Representatives,  
Subcommittee on Commerce, Trade  
and Consumer Protection,  
Committee on Energy and Commerce,  
Washington, D.C.

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.

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.

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 a 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 overexpired. 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.

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 follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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:]

\*\*\*\*\* INSERT 1-1 \*\*\*\*\*

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 at 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:]

\*\*\*\*\* INSERT 1-2 \*\*\*\*\*

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 performed 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:]

\*\*\*\*\* INSERT 1-3 \*\*\*\*\*

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

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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 handout 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:]

\*\*\*\*\* INSERT 1-4 \*\*\*\*\*

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?

RPTS JURA

DCMN BURRELL

[11:10 a.m.]

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. Okay. 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. Okay.

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 AC 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 interested 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 playoff 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 prepared statement of Mr. Simpson follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

[The prepared statement of Mr. Miller follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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. Okay. 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 okay 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 system 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? Revenuewise. 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. Okay. 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. Okay. 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:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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

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