AFL-CIO

LEGISLATIVE ALERT

October 6, 2025

Dear Representative:

On behalf of the 63 affiliates of the AFL-CIO that represent more than 15 million working people, I write in strong opposition to the Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act of 2025 (H.R. 4312). While it may "satis[y] all the issues on the NCAA and power conferences' wishlist," the bill is a bad deal for college athletes.[1]

It is worth stating at the outset that the term "student-athlete" is a legal fiction, coined by the NCAA in the 1950s to defeat workers' compensation claims filed by injured football players or, in the case of Ray Dennison, by the widows of fatally injured football players. The NCAA's first executive director acknowledged in court testimony that the term "student-athlete" was deliberately crafted "to offset these tendencies for state agencies or other governmental departments to consider a grant-in-aid holder" to have employee status.[2] The consistent use of this term thereafter in NCAA and school rules and mission statements helped deny compensation claims like the $70 per week compensation that Texas Christian running back Kent Waldrup initially won after being paralyzed in a game. It is a term specifically designed to disadvantage athletes, effectively serving as a legal shield for universities and the NCAA to generate billions of dollars from individuals who risk serious injuries and work untold hours while denying them basic worker protections, compensation for their labor, and benefits available to other employees.

As athletes have begun asserting rights and winning concessions in recent years on this and other fronts, the SCORE Act functions to push athletes back in their place. For athletes, this bad deal plays out as follows.

Returning to restraints on trade. The SCORE Act would grant the NCAA and its members antitrust immunity in areas of significant consequence to the safety, wellbeing and commercial opportunities of the athletes, allowing them to collude against athletes without fear of legal consequences. It was precisely the NCAA's restraint of trade, in violation of the Sherman Antitrust Act, which resulted in much of the historical exploitation of college athletes. Athletes successfully spoke out, sued, and asserted their rights under antitrust laws to open the doors toward obtaining fair treatment. The SCORE Act seeks to close those doors again and invites new restraints on trade to the detriment of college athletes.

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[1] Amanda Christovich, "House Republicans Delay SCORE Act Vote Tentatively Planned for Next Week," *Front Office Sports* (September 11, 2025), at https://www.msn.com/en-us/politics/government/house-republicans-delay-score-act-vote-tentatively-planned-for-next-week/ar-AA1MngfP?ocid=BingNewsSerp

[2] Jon Solomon, "The History Behind the Debate over Paying College Athletes," Aspen Institute Blogpost (April 23, 2018), at https://www.aspeninstitute.org/blog-posts/history-behind-debate-paying-ncaa-athletes/

Giving ultimate NIL control to schools and conferences. Athletes have successfully obtained the right to be compensated for the use of their name, image, or likeness (NIL) by their school or by any other business with which they freely contract, thanks in large part to athletes' litigation for those rights under antitrust laws. Now comes the SCORE Act to perform a sleight of hand to limit the right of athletes to freely enter into NIL contracts. The bill says schools may not restrict an athlete's ability to enter into a NIL agreement unless that NIL agreement conflicts with any agreement to which the school is a party. This vague, circular exception creates a giant loophole whereby a school can tie the hands or diminish the bargaining power of an athlete over their own name, image, or likeness. In other words, the protection the SCORE Act purports to give athletes with one hand – something in fact they have already won without the SCORE Act – it takes away with the other and hands to the school.

Allowing predatory agent deals. The SCORE Act leaves college athletes vulnerable to predatory marketing or brand agreements that provide for compensation from the athlete's future on- or off-the-field earnings. Many young athletes do not fully understand the real financial costs or consequences of these agreements. The SCORE Act's registration and disclosure requirements on agents do not solve the problem, leaving bad actors free to peddle exploitative deals that will hamper a college athlete into their professional career. A necessary protection – missing from the SCORE Act – would be to limit these marketing and brand agreements to the term of the athlete's college eligibility. This oversight is symptomatic of a bill whose driving concerns are the NCAA and power conferences' interests rather than the athletes' interests.

Ignoring equity for female athletes. The bill also overlooks critical issues related to gender equity in college athletics. For more than fifty years, Title IX of the Education Amendments of 1972 has expanded opportunities for millions of women and girls to participate in sports at both the high school and collegiate levels. Yet, despite its impact, enforcement gaps and well-documented loopholes in Title IX continue to allow disparities between men's and women's athletic programs at universities. Without explicitly applying Title IX to the revenue-sharing provisions in the SCORE Act and mandating equal opportunity and access to institution-sponsored third parties and collectives offering NIL deals, there is a legitimate concern that the legislation could deepen existing inequities between male and female college athletes. This is another example of athletes' interests – in this case, female athletes' interests – being overlooked in the SCORE Act.

Preempting state protections. The SCORE Act's preemption provision exposes the imbalanced nature of the bill. It says that states cannot legislate anything related to athlete's rights to compensation, effectively imposing a ceiling on benefits for athletes, while at the same time saying that states cannot limit or restrict "a right provided to an institution, a conference, or an intercollegiate association provided under this Act." In other words, a ceiling is imposed on rights of athletes while the rights of the power conferences get a floor. States that want to provide, or have already provided, better benefits for athletes than are afforded by the SCORE Act would be prohibited from doing so, ending efforts to support athlete welfare at the local level. Moreover, the bill delegates to powerful private bodies - interstate intercollegiate athletic associations like the NCAA - the job of establishing any further rules on athlete compensation and rights, putting in charge the very parties whose practices have come into question over the years.

Banning employee status. The SCORE Act sets a dangerous precedent in labor law. It bans college athletes from being considered employees, regardless of how they are treated by their schools or what they are required to do as a team participant. Giving schools and conferences an employment law liability shield will open the doors to new levels of exploitation. This provision denies athletes access to basic labor rights, including the ability to collectively bargain, and opens the door to further exploitation—such as requiring unpaid campus work in exchange for team participation. Among other things, this provision immediately busts every union or union organizing drive among college athletes. It fundamentally disempowers athletes while protecting the parties who would exploit them.

This bill is a step backward, not forward. College athletes have made tremendous progress in recent years breaking down the barriers to their just compensation, rights at work, and proper respect in a multi-billion-dollar business that profits from their labor and too often at their expense as students and workers. The SCORE Act would stymie that progress and shift power back to the NCAA and its member institutions. The AFL-CIO opposes this legislation, as does its Sports Council, composed of eight player associations representing athletes in football (NFLPA), basketball (WNBPA), hockey (NHLPA and PHPA), soccer (MLSPA, USLPA-CWA, and NWSLPA), and baseball (MLBPA), the overwhelming majority of whom have been college athletes themselves. We urge you to reject the SCORE Act.

Thank you for your attention.

Sincerely,

Jody Calemine
Director, Government Affairs