



**National
Urban League**

*Empowering Communities.
Changing Lives.
For An Equitable Future.*

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Dear House and Senate Democratic Caucus Members:

On behalf of the National Urban League and the National Basketball Retired Players Association (NBRPA) we write to share our concerns with the SCORE Act.

While name, image, and likeness (NIL) reform is a vital step toward fairness in college sports, the SCORE Act does the complete opposite, limiting efforts to benefit student athletes. The SCORE Act erodes fairness and accountability, strips wealth and silences players – the very people it claims to protect.

Both the National Urban League and the National Basketball Retired Players Association (NBRPA) have long championed economic opportunity and equality in American life. Founded in 1910, the National Urban League's mission is to achieve economic empowerment, social parity, power, and civil rights for African Americans and other underserved communities by promoting equitable opportunities.

The NBRPA – comprised of former professional players from the NBA, ABA, WNBA, and Harlem Globetrotters – is the only alumni association of its kind officially supported by both the NBA and the National Basketball Players Association (NBPA). The organization helps retired athletes transition successfully after their playing careers while leveraging their influence to mentor youth, promote education, and strengthen communities through basketball.

Together, the National Urban League and the NBRPA stand firmly opposed to the SCORE Act. Our concerns are highlighted below:

- The SCORE Act gives the NCAA and its member colleges a sweeping antitrust exemption in direct contradiction to the Supreme Court's 9-0 *Alston* ruling, which held the NCAA and its member colleges were in violation of the nation's antitrust laws.
- The SCORE Act fails to establish a fair and equitable revenue sharing cap commensurate with the value that student athletes provide the NCAA and its member colleges. The 22% revenue sharing cap established by the *House* settlement pales in comparison to the approximately 50% revenue sharing agreements enjoyed by players in both the NBA and NFL – despite the fact, the NCAA is the second-largest grossing sports league.
- The SCORE Act prevents student athletes from having fair representation and collective bargaining rights, via unions or players' associations, in contrast to similarly situated workers and athletes.

Unwarranted Antitrust Exemption

What the SCORE Act Does: The bill grants NCAA and its member colleges an expansive and unwarranted antitrust exemption.

Why It Matters: The SCORE Act directly contradicts the Supreme Court's unanimous 9-0 decision in *NCAA v. Alston* (2021), where the Court held that the NCAA and its member colleges illegally fixed student athlete compensation in violation of antitrust laws. Put simply, the Supreme Court held that the NCAA exploited student athletes by not fairly compensating them for the value that they provide to the multi-billion dollar college sports industry.

Justice Gorsuch, writing for the majority, stated: "No one disputes that the NCAA's restrictions in fact decrease the compensation that student athletes receive compared to what a competitive market would yield."

Justice Kavanaugh, in his concurrence, wrote: "Price fixing labor is price fixing labor. And price fixing labor is ordinarily a textbook antitrust problem because it extinguishes the free market in which individuals can otherwise obtain fair compensation for their work." Justice Kavanaugh further added, "the NCAA's business model would be flatly illegal in almost any other industry in America."

Rather than implementing safeguards to prevent future antitrust violations, in compliance with the Supreme Court's unanimous holding in *Alston*, the SCORE Act does the exact opposite: grants the NCAA and its institutions a sweeping antitrust exemption – effectively absolving the organization of any and all accountability. The bill was not designed to protect student athletes; rather, it was designed to protect the NCAA and its institutions. Moreover, industry-wide antitrust exemptions are exceptionally rare, granted only to railroads and Major League Baseball. Extending this protection to college sports would shield the NCAA and its member colleges from lawsuits, prevent athletes from forming unions and players' associations, and leave them with little recourse to challenge exploitation. This is not athlete protection – it is an NCAA power grab.

The National Urban League and the NBRPA firmly oppose the antitrust exemption in the SCORE Act. Congress should reject efforts to overturn antitrust protections, especially those proposed under the guise of protecting student athletes.

Unfair Revenue Sharing Agreement

What the SCORE Act Does: The bill fails to establish a fair and reasonable revenue sharing agreement for student athletes with the NCAA and its member colleges.

Why It Matters: Professional sports leagues have long recognized the importance of equitable revenue sharing between the owners and its players. Both the NFL and NBA

maintain approximately 50/50 splits – established by collective bargaining agreements. In contrast, the SCORE Act's vague revenue pool language – which eliminates the already inadequate 22% revenue sharing floor established in the *House* settlement – leaves athletes with no guaranteed share whatsoever. The bill did not seek to increase revenue sharing for student-athletes; it eliminated the minimum amount they could receive, entirely.

Even a 22% share would be grossly inequitable. At approximately \$20 billion in annual revenues, the NCAA is the second-highest-grossing sports league in America, trailing only the NFL. Yet while professional athletes negotiate for roughly half of league revenues, student athletes would receive only a fraction of what they deserve under the SCORE Act.

This arrangement does not promote fairness; it perpetuates a system that unjustly enriches the NCAA and its institutions while exploiting the athletes who generate its wealth. Increasing the amount of compensation that student athletes receive would not jeopardize the solvency of colleges and universities; it would ensure student athletes receive their fair share of a billion-dollar industry.

Justice Kavanaugh articulated this injustice clearly in *Alston*: "The NCAA and its member colleges are suppressing the pay of student athletes who collectively generate billions of dollars in revenues for colleges every year. Those enormous sums of money flow to seemingly everyone except the student athletes. College presidents, athletic directors, coaches, conference commissioners, and NCAA executives take in six- and seven-figure salaries. Colleges build lavish new facilities. But the student athletes who generate the revenues, many of whom are African American and from lower-income backgrounds, end up with little or nothing."

The National Urban League and the NBRPA firmly oppose the SCORE Act because it prevents student athletes from receiving adequate and reasonable compensation commensurate with the value that they create for the NCAA and its member colleges. The NCAA's revenue sharing agreements should align similarly with those brokered by players in the NBA and NFL.

Prevents Collective Bargaining Rights

What the SCORE Act Does: The bill prohibits classifying student athletes as employees, while offering them no credible alternative to collectively bargain or represent themselves via unions or players' associations.

Why It Matters: Without the ability to unionize or form a players' association, student athletes would remain effectively voiceless in decisions that shape their livelihoods, health, and futures. Today, student athletes generate billions of dollars annually for their institutions, television networks, and apparel sponsors. Yet the SCORE Act denies the very workers who make this system profitable, employee status and the right to organize or negotiate collectively. To deny athletes employee recognition and the opportunity for

independent representation is to silence them entirely. The result is a closed system where athletes have no seat at the table.

There are multiple ways to protect student athletes while preserving the integrity of college sports. Unionization, for example, would grant players the same collective bargaining rights that workers in nearly every other multibillion-dollar industry enjoy. This would not bankrupt institutions; it would allow student athletes to enjoy the rights that they deserve. Alternatively, Congress or the NCAA could authorize non-employee collective bargaining frameworks, similar to those used in sectors like the entertainment industry.

Student athletes must have collective bargaining rights to ensure fair treatment, long-term health protections, and an equitable share of the billions in revenue that their labor generates. The College Sports Commission, set forth under the *House* settlement – and other frameworks that centralize power in the hands of university and NCAA officials – fall far short. These models give the appearance of reform while denying athletes any real authority to negotiate over their own working conditions.

Real reform demands that athletes – not bureaucrats – have the power to shape the terms of their participation, protect their health, and claim a fair stake in the wealth that they help create. Anything less is simply repackaging the status quo under a new name. The SCORE act denies student athletes the right to collectively bargain and seeks to front run court cases, such as *Johnson v. NCAA*, that would give them the ability to do so. The National Urban League and the NBRPA firmly oppose the SCORE Act because it fails to recognize student athletes' right to collectively bargaining and join unions or players' association to negotiate and protect their own rights and interests.

The Path Forward

To achieve meaningful reform, Congress should:

- Reject the SCORE Act's sweeping antitrust exemption, in accordance with the spirit and holding of the Supreme Court's 9-0 *Alston* ruling.
- Establish a fair and equitable revenue sharing agreement, representing the value and talent that student athletes provide the NCAA and the institutions they attend.
- Ensure student athletes have fair representation and collective bargaining rights, via unions or players' associations.

Conclusion

The SCORE Act, in its current form, is not a bill for fairness – it is a bill for the NCAA. It threatens to strip athletes of rights, destabilize under-resourced institutions, and tilt the balance of college sports further toward profit and away from equity.



Congress must not codify inequity into law. The National Urban League and the NBRPA urge you to stand with the athletes, families, and communities whose futures hang in the balance. This moment requires courage – not capitulation to entrenched power. Thank you for your attention to these critical issues.

Sincerely,

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