

Virtual Press Conference with Former College Athletes on Opposition to the SCORE Act

Sen. Maria Cantwell, Sen. Cory Booker, Sen. Richard Blumenthal, Dwayne Allen (NFL Players Association), Spencer Haywood (NBA Players Association), Meghann Burke (NWSL Players Association); Moderated by Andrew Morris (NFL Players Association)

[VIDEO]

Andrew Morris (NFL Players Association): Alright, good morning and good afternoon to all of those joining us digitally. My name is Andrew Morris. I serve as Public Policy Council for the NFL Players Association. Again, thank you all for joining us today for this very timely and needed discussion regarding college athletics.

As we all know, the landscape of college athletics is evolving and changing rapidly, and discussions like these are needed. Particularly on this day, we're so pleased to be joined by three senators and three former college athletes and professional athletes who are going to provide their opinion and insights on the topic, and I think even drill down even further on legislation that that may be harmful, quite honestly, to college athletes, that being the SCORE Act.

So we wanted to have this discussion prior to some of the votes that may be coming its way in the House. But before I kind of get out ahead of my skis, what I want to do is introduce the senator from New Jersey and my former mayor, Senator Cory Booker. Mr. Booker.

Sen. Booker: Hey, it's Cory. It's fine. It's great to be on with you, and I'm really grateful for this conversation. I want to just jump in and just give some quick thoughts and feelings.

First of all, to have Senator Cantwell and Senator Blumenthal on this call. They are extraordinary leaders. Senator Cantwell's been the head -- for Democrats -- on the committee of jurisdiction. She is a stalwart—not only sports fan, but leader in protecting athletes and I'm grateful for her. Senator Blumenthal has been my brother for more than a decade as we've worked on these issues, and I'm grateful to have to have him with us.

We're talking about some real problems and a crisis that I've known about since my days playing ball, playing football out at Stanford. It was one of the greatest gifts to get a full scholarship, to be an All-American high school athlete and have my choice of schools. I hit the lottery. I always say I got into a school like Stanford because of a 4.0, 1600 – 4.0 yards per carry, 1600 receiving yards my senior in high school, and it paid full freight for me and gave me a lot of opportunity.

But it really also opened my eyes to the deep, systemic injustices that I saw and really outright exploitation. Coaches were making millions and millions of dollars while some players couldn't afford food. Their parents couldn't afford to travel to watch their

children, while a jersey with a kid's name on it was making more money than their parents might have working a full day at work.

And so this, to me, was part of the crisis. I saw a lot of my teammates after I graduated, with their bodies battered from years of play and from putting thousands of people in seats and creating incredible profit, forced to pay out of pocket to treat their injuries on their knees, on their shoulders and more. And then I saw a lot of them being charged by the universities just to come back and finish a handful of credits to get their degree because they were working full time jobs while they were there and didn't have a chance to get it. And so this is just a touch of all the things I saw the NCAA doing that were just very exploitative.

And we all remember those moments where the NCAA had to be shamed into trying to do the right thing, and even then, still drag their feet, like when Shabazz Napier said he couldn't afford food after winning the NCAA championship, or when the public saw the stark disparities between men's and women's tournament facilities. We have a system that is designed against athletes' best interests, their economic well-being, their educational well-being, their health well-being, especially when you see the motivations – it's not to protect athletes, but it's to win games, and that seems to single out over what's in the best interest of athletes.

And so I've been really happy that we've been able to make a lot of gains in recent years, and they were fought for by college athletes and athletes themselves. They won those gains. They earned them in court through persistence and courage. They began to start to find opportunities to share in the revenues that are being created – this \$15 billion industry. Finally, the people that are literally working in the fields or on courts, finally got to start to see some of the money that they were principally generating through their athleticism and their genius and their gifts.

But we are now seeing, stunningly, a bill come out called the SCORE Act that would halt the progress that these athletes made in the tracks, really shut down and set back some of the progress they've made, which is just to me outrageous. We should be doing everything we can to empower athletes, protect their rights, protect their health, education, create stability for the sport, so that the next generation can have the same kind of life-changing opportunities that college sports gave me, and, frankly, more.

And so I just want to close like this. We are in a divided nation that somehow has these big corporations telling us we should hate each other. What I love about sports is it's one of those last frontiers that's uniting in this country. Sports is a unifying force culturally. It brings people together across race and religion and politics, even geography, to show that we are Team America. And at the time that college sports can remind us how we should come together, somehow we see forces trying to pull us apart. That's why this work matters.

Americans don't want to see college athletes being exploited. They want to see college athletes getting a fair deal. The Score Act is a very unfair deal, and we owe it to college athletes and those who will come after them to really protect the sport for them and

make sure that the sports can continue to be a source of pride, unity and hope for this country and to make sure that we have justice.

And so I'm just so grateful to be in the trenches of the Senate fighting with Senator Cantwell, who's one of the best quarterbacks a guy in the Senate could hope for, and Senator Blumenthal – he at best, when he's soaking wet, about a buck 75 but he is like an offensive lineman fighting in the trenches, bringing a lot of strength and a lot of leverage to this fight.

So I'm grateful for them, and I'm just really grateful for everyone. So many of us know how broken this system is, and just when athletes are starting to get leverage and progress, folk want to shut that down. So thank you everybody.

Morris: And thank you Senator Booker, for those, for those powerful words, and for that perspective. It's instructive. So moving on, would want to now lend the floor to Spencer Haywood. Spencer Haywood is an NBA Hall of Famer, Olympian, former rookie of the year, and former college athlete certainly. Mr. Haywood is no stranger to this fight with regard to players and their protection and exploitation. So, perhaps best known, in 1970, Mr. Hayward challenged the NBA to allow him to go into the NBA prior to not being four years removed from high school, which was the standard at that time.

So Mr. Hayward, again, has been in this fight since the 70s, and now certainly [we] want to lend him the floor. Spencer, it's all yours.

Spencer Haywood (NBA Players Association): Well, my case started, when right after I came back from the U.S. Olympics, after winning the gold medal, setting the record as the most points in the history of the Olympics, and that record stood for 44 years. I then enrolled at the University of Detroit, where I was followed by Kareem Abdul Jabbar, who was the MVP. I was the outstanding college player of the year, but during that period in time, my mother was in the cotton fields of Silver City, Mississippi, and it ain't no silver and it ain't no city, just cotton fields. And she was making \$2 a day picking cotton. She was crawling on her knees and looking for help and here's her son, doing all of these great things for the universities, for the Olympics and everything, but yet we couldn't survive with food.

So, I went to the University of Detroit, to the alumni and said, “look, I need help.” We need help, because my mom and my brothers and sisters are starving, basically in Silver City, Mississippi. And they said, well we can't help you, because we have NCAA rules. And so that spurred me on to join the ABA, American Basketball Association, and I went there for one year where I was the Rookie of the Year, MVP of the league, MVP of the all-star game and there was, there's only been two of us to do that, and that's Wilt Chamberlain and myself. And right away I wanted to... because the contract didn't, wasn't a good contract, in the ABA. So, I joined the Seattle SuperSonics in Seattle, Washington. Yay! And so in joining the Seattle SuperSonics, right away, I was filed – they hit me with a lawsuit in an injunction saying that I cannot play because my fourth year was not up. And I said I wanted to play, so Sam Shulman, the owner of the Seattle Supersonics, said, “let's fight this case.” And I was up for a good fight, because I had

seen so many players--Connie Hawkins, Roger Brown—just a number of great players who were sitting out on the sideline waiting for four years before they could go into the NBA and make a living for themselves. And a lot of those players got, they fell through the pipeline.

So, I said, “I gotta fight this” and so we started off in Seattle. We went to the district and all the way to the Supreme Court. I had couple of Justice, Justice Marshall, and I think it was Justice Burger from the Washington State. So, we had a good run, and I won the case seven to two and that created all of the expansion that you see in the NBA, which meant that that we had 16 teams at that time. We expanded from 16 teams to 30 teams as we know it today. Our franchise was worth \$300 million to \$400 million at that time, and now they are worth \$10 billion. The players that came in, the [Bob] McAdoo’s, the junior servants, all of the players -- Michael Jordan, Magic Johnson, LeBron James, Kobe [Bryant], all of those players are playing, what is under, the Spencer Haywood rule.

And that came about with this one case. And that has helped the colleges, because the college, the university, NCAA, had themselves wrapped around the NBA lawsuit as well, but they couldn't justify it because they were saying that we are 501(c)(3) nonprofits, so we can't show that we're making money off the players. So, my case went all the way, and I was able to get my mother out of the cotton field and play some very good basketball up in Seattle.

We just put up a statue for Lenny Wilkins, the great Lenny Wilkins, who was with me, and remember now I was really a young dude. I turned 21 went through all of that. It's well worth it, and to see where we are now, Ms. Cantwell. We really need to protect our athletes, our college athletes right now, because we don't want to have people coming in. And I must say, too, for the athletes and Cory, if you're still on the on the call, this is one important thing that the athletes should be considering and should think about. That when you do get this money, you don't need to buy a big fancy car. You don't need to buy big diamond rings and all of the bling that go with it, because it makes the student population get a little angry with you, and you're not really showing, you're showing off your personal, not the team and not the school. So that's my one little information. Thank you all for listening, Mr. Blumenthal, Ms. Cantwell and Cory Booker, my man.

Morris: Well, thank you so much for those comments, Spencer and for that tidbit of advice, but really for the history that you shared, right? And how long, how far we've come from your fight to the fight that they're fighting now.

Haywood: 54 years ago!

Morris: So that's – I think it's instructive, right? Because history matters. History still matters. Yes. So moving on to our next presenter is going to be Dwayne Allen. I should say, Super Bowl champion Dwayne Allen, and former All American at Clemson University playing the tight end position. Dwayne also was very active in the Union here, the NFL Players Association, so we're happy to have him joining us today. Dwayne, we look forward to your comments.

Dwayne Allen (NFL Players Association): Yes, certainly. Thank you so much. And thank you Senator Cantwell, Blumenthal and Cory Booker. Really appreciate your involvement in this pivotal conversation for college athletics.

I was very fortunate to go to Clemson University, and it's not Stanford, but it's our Stanford of the South as we like to say, Senator Booker. And our head football coach is a very outspoken guy as it pertains to the changing landscape of athletics. It's important to not only those who have played, those who are playing, but those who enjoy it, right? None of us like or enjoy, really where college athletics is right now. I believe we are in the growing pains of change, and we all want it to slow down or stop, but I don't believe that the SCORE Act is our solution.

I had opportunities to talk to some of the lead attorneys in antitrust lawsuits against the NCAA, and early on, I asked him, "Hey, what about deferred compensation? What about post career health care? What about all these things so that we can preserve what is special about college athletics right?" Being able to overcome difficulties – you choose a school and the head coach leaves or the offense isn't quite right for you, but you stick it out. You're able to develop that delayed gratification instead of this instant gratification landscape that we now live in. And he said to me, simply, "Dwayne, we had to start the conversation somewhere." And I totally agree.

And as time have gone passed, we've been able to see more and more conversations being had about the college landscape, and more and more changes come about. But without divergent conversations, there is no innovation. We don't get to where we are now, and we won't get to a future that we are all looking for, right? Not just the commissioners of the leagues, but also the head coaches, the GMs, the players and most importantly, the fans who support the sports.

What we love about college athletics, or certainly what I love about college athletics, is being able to grow with the teams that we love. "Hey, I went to school here. This guy went to school here, right?" This landscape that we're in – no more, or very rarely do you see a guy enter into a school and finish in a school. And that's not to say that I'm against student athletes going to an open market and bidding, or being able to bid to the highest bidder for their services. It's not. What I am saying is I love college athletics, and I too, want to preserve it right.

And I think the SCORE Act, as far as mental health services [and] post participation health care, it touts a lot of things in the right direction. But at what cost? The cost is the voices of other people that will come, that are currently speaking out being null, right? It's saying, "Hey, here are some antitrust exemptions so that we don't have to talk [or] have these difficult conversations, and we can be rule of law."

I don't believe the gains that the SCORE Act [touts] is worth the cost that it will take against college athletes, current and future, and thus, I am in opposition – strong opposition – of the Student Compensation and Opportunity through Rights and Endorsements Act. Thank you guys so much for the opportunity to speak on it.

Morris: Yeah, thanks. Thanks, Dwayne and those for speaking so matter of factly and strongly with regard to your concern and connection with college athletics and what you want to see happen there, but then also in regard to this legislation and what it does not achieve for those college athletes there. So thank you for those comments.

Next, we have Meghann Burke, who currently serves as the Executive Director of the National Women's Soccer League Players Association. Meghann herself is a former professional soccer player and college player at St. Louis University. In her role as the executive director at the NWSLPA negotiated groundbreaking collective bargaining agreements on behalf of her members, and has critical insight into the topic today. So Meghann, thank you so much for joining us, and we look forward to your comments.

Meghann Burke (NWSL Players Association): Thank you, Andrew. Thank you for the introduction, and thank you to Senators Cantwell, Blumenthal and Booker, as well as their staff for having me here today for this important conversation.

Mr. Haywood, it's a privilege to be on a panel with you. Our union, as Andrew noted, recently negotiated a CBA that finally abolished the draft and established free agency for all our members. And I'd like to think that we're finally creating the world that the likes of you and Curt Flood imagined more than five decades ago.

So in the spirit of talking about things that took 50 years or more to finally realize, my remarks will primarily be focused on the impact the SCORE Act will have on women's sports, in particular. The House v. NCAA settlement and the SCORE Act are not separate developments. They are sequential steps in the same playbook. The settlement reshapes how money flows through college sports, redistributing billions – with a B – of dollars primarily to men's programs.

The SCORE Act follows close behind to lock that new financial order into law: dismantling Title IX compliance, stripping athletes of organizing rights and protecting a system that leaves women behind. The SCORE Act is being presented as a modernization of college athletics. In reality, it creates a dangerous new framework, what you might call the Title IX backslide, into one that rewrites equality backwards.

Under the House settlement, Division One athletes from 2016 to 2024 will receive \$2.6 billion in damages. But the inequity doesn't end there. 96% of that money goes to men, while women receive just 4%. On top of that, the settlement provides for \$20.5 million per year in injunctive relief payments from 2025 through 2035, money that schools must now find in their operating budgets.

History and lived experience for myself as a former Division I all-American and professional athlete tells me exactly where those cuts will come from: not football. I love football, don't get me wrong, I'm big fan, or men's basketball, also a fan of men's basketball. But we know where it'll come from: Olympic and women's programs.

To offset those payments, universities will restructure their athletic departments by cutting women's teams and replacing them with high roster, low cost activities. Future payments continue the same inequity: 75% for football, 15% for men's basketball, 5%

for women's basketball, and then 5% for everyone else combined. This formula doesn't just reflect inequality, it cements it. The SCORE Act codifies this imbalanced House formula.

Section 55 gives Division I schools until July 1, 2027, to get "in compliance" with Title IX. I and we stand on more than 50 years of law in saying that Title IX requires compliance right now. This grace period is nothing more than a license to restructure athletic departments to accommodate annual House payments. Schools will meet the proposed act's 16 team requirement on paper by cutting Olympic and women's sports. Instead, we'll see high roster account substitutes. The result are fewer genuine pathways for women athletes, like myself, dressed up as compliance.

If that weren't enough, then we have Section 7, which claims that nothing in this Act limits Title IX. That promise is hollow because the House settlement already includes a Title IX release, meaning women have unknowingly waived their ability to bring future equity claims against the NCAA, conferences and universities. Institutions can now claim compliance while continuing to profit from inequity. And just a brief note on for-profit: these are educational institutions that enjoy tax exempt, non-profit status. If universities want to act like for-profit actors, they have that option. They can return their federal funds, pay taxes like every other private business and function like a for-profit business, except they're not. They're educational institutions.

This is not reform. Its regression. Title IX promised equal opportunity under the law. The law requires equitable financial resources for coaching, facilities, travel training and match conditions and visibility, not just a box check for participation numbers. If enacted, the SCORE Act will enshrine inequity in a federal statute. Instead of a Title IX backslide, we need the full enforcement of the original Title IX as it was intended, and we need athletes, men and women alike, like my brothers on the panel here, to have a real seat at the table in shaping the future of college sports. Thank you.

Andrew Morris: Thank you so much, Meghann for that needed voice and perspective in this conversation. The issues of college sport are not just the issues of men's football and men's basketball. So, thank you for that perspective.

And I do now want to shift the conversation over to our next elected official, and that's going to be Senator Blumenthal from the great state of Connecticut, who has been a strong defender of college athletes-- their rights. health and safety and promoting the future of women and Olympic sports. So Senator Blumenthal, please, we look forward to your comments.

Sen. Blumenthal: And a big fan of the women Huskies and our women's sports team in Connecticut. Thank you, Andrew, for bringing us together. Thank you to my colleagues. Senator Cantwell is more than just a quarterback. She's a coach of such incredible insight and accomplishment. I'm really honored to serve with her and be a partner in our SAFE Act legislation. Of course, Cory is a brother in so many ways. We've worked together and so many great causes. And to all of the others who are supporting this effort, the AFL-CIO, all the unions, thank you for standing up for athletes, who are in

many ways, working people. They are working people, and they come from working families.

And I want to thank Dwayne and Meghann for your continuing leadership. It's so inspiring to listen to you. And Spencer Haywood, I've been a longtime fan. This is probably the closest I'm going to come to being able to talk to you, but on the court in basketball, on the court in our legal process, in the court of public opinion, you have been a champion. And your story is so electrifying, about your mom, about your own background, and it should remind us that this cause is a civil rights cause. It is about racial equity. It is about economic equity. It is about the fairness of a system, which makes \$15 billion or more a year from the blood, sweat and tears of our athletes. And I don't want to overstate it, but your story about your mom simply gives me the impetus to say what we have now is a kind of servitude of athletes who are given the crumbs off a cake that grows every year more lucrative and profitable, and unfortunately, more exploited. Which is why, when Cory and I started this effort, we talk about an Athlete's Bill of Rights. Legal rights, moral rights, not just economic rights, but health care rights and educational rights because we know that in many educational institutions, athletes who are hurt and injured are sometimes consigned to the dust heap of college sports.

So, I believe that this cause is one of civil rights and economic rights and racial rights to equality, and we need to redouble our efforts to protect those athletes from the exploitation that can occur. But also the schools. I've talked to schools in Connecticut who feel that the present system works against them because they're not part of the Big Ten or the SEC. And the NCAA has been a total abject failure in its leadership so far. I'm hoping that they will come on board to measures like the ones that Senators Cantwell, Booker and I have advanced through the SAFE Act.

But I want to talk very specifically about the SCORE Act. And let me be very clear right at the beginning, we're on this call because of some momentum in the House of Representatives in favor of the SCORE Act. Well, the House of Representatives can pass a measure with a simple majority if the majority party is in favor of it. In the Senate, you need 60 votes, which means that there has to be enough support to gain both Democrats and Republicans. It has to be bipartisan to get through the United States Senate. And I can pretty well guarantee the SCORE Act ain't going to make it through the United States Senate. And here are the reasons. You've heard, first of all, very eloquently and powerfully from Meghann about how it rolls back the Title IX protections for women's sports. Well, it also provides, in effect, a "get out of jail" pass for antitrust violations. It rolls back as well, the preemption provisions that should apply and would apply under our Safe Act. And glaringly, it provides minimal, if any, enforcement.

Now, I know I'm talking a little bit like a lawyer. I spent most of my career in law enforcement. I was the US Attorney in Connecticut for four and a half years. Then I was Attorney General for 20 years, and a law without real tough teeth of enforcement is dead letter. And our bill, the SAFE Act, very prominently, provides for FTC and state Attorney General enforcement, which means that the athletes themselves don't have to go to court. Spencer Haywood did it. Others have done it. But the burden should be on

the United States of America to enforce these rights, for agencies of our state and federal governments to make sure those rights are protected. That is fundamental, and the SCORE Act fails on that measure. In effect, it goes backward.

Meghann has used the word regression, that's a highfalutin word for going backward to the days... [when] Spencer Haywood fought so valiantly and so well, and that's because big business wants to go backward. They want to profit more. They want to control more, and college sports has become a big business. I was a swimmer at Yale-- I'm sorry, at Harvard. I went to Yale Law School. I was a swimmer at Harvard as an undergraduate before swimming was cool. So, I never had any idea that I was going to be paid by anyone and probably wouldn't even today. But college athletes, you know, come to schools at ages where they have no real knowledge and experience, where they can be their own agents, and very often the so-called protectors or agents that speak for them are part of this exploitation.

So there is a real human story here. And when I hear Dwayne talk about his background, or Spencer or Meghann, it reminds me that college athletes is part of the American Dream. It gives people a path to achieve the American Dream. It gives them a means to success, economic success, professional success, off the field after they are on the field. And we need to make sure that the injuries they sustain, and the education that they have ahead of them, are used for their benefit-- that those injuries are compensated through insurance or health care when they need it, that their scholarships are preserved if they have to take time off for those injuries or for any other reason, and that the opportunities that come with the American Dream are truly available to them.

So, I am very hopeful that we can make sure that that athletes receive more than just the crumbs from the pie that they're given their fair share of it, and that we use the law to advance that American Dream, to protect athletes and to make sure that the dreams of Spencer Haywood's mom are really achieved in real time.

Morris: Thank you so much, Senator Blumenthal, for reminding all of us about the equities at stake here, and the real, the human element tied to rights and protection, tied to this conversation. It's not it's not just about the game. It is about the game and how it impacts the people participating. So thank you so much for that.

And now, rounding out our speakers is going to be Senator Cantwell from Washington State, who is the primary author and chief author of the SAFE Act, but who has been a champion in advocating for college sports tied to women's sports, Olympic sports, and at smaller and mid-sized school as well. So as ranking member of the Senate Commerce Committee – Commerce, Science and Transportation Committee, excuse me, this is well within her purview to discuss, and we thank her for her leadership. So, Senator Cantwell, if you could, please bring us on home.

Sen. Cantwell: Well, thank you, Andrew, and thank you. This panel has just been amazing. I couldn't ask for a more articulate delineation of the challenge that we face in front of us.

And I want to thank each of you. Andrew, thank you for giving us a good backdrop of what it takes sometimes to fight for things, a historical perspective of why we have to do that. And Dwayne, talking about your own personal experience at Clemson and why it's so important to have those rights and opportunities and choices.

Meghann, wow, what a tour de force. Thank you for everything you've done for women's soccer because we were able to pass legislation based on what the soccer league did that said, look, if you're a US team or national team, you've got to pay the women the same as the men, and you can't just be shortchanging them when they go abroad and giving them crummy training services and everything else. But that's thanks to you guys for that leadership. And then we were able to pass a bill.

And Spencer, look, I just want a day when you and I are in Seattle and we're welcoming back an NBA basketball team, and we're celebrating you, and not just your basketball contribution, but your contribution to this issue. This issue is about athletes rights, and that is getting short changed in the debate, but you guys today put a face to that-- about why athletes, for so many years, have had the short end of the stick and had to take it or had to go out and advocate on their own behalf.

And I just want to thank you again for being here because there are so many athletes, who are current athletes that we've heard from who would like to be on a call or a press availability like this, but they're actually still going to school and doing their athletics, and they don't have the time and the resources to do it. And so, I just thank you for speaking on their behalf. It is just truly tremendous.

And I want to thank my two colleagues, Senator Blumenthal, who you just heard very articulately talk about the legal challenges facing the SCORE Act and the House of Representatives. And Senator Booker, who has been a champion of both health care and scholarship rights for long periods of time that really were short-changed from the time that he was an athlete, and now we have gotten some movement on that. But we, the three of us together, these three senators are working to codify those rights into law, into a national, federal standard that all schools should have to meet. So, we're very excited about that partnership. And I thank Dick for being on the call and Cory for being on the call earlier.

And so I really just want to jump to questions because we're running late, but I just want to say a couple of things.

The SCORE Act is really, as you guys have already articulated, not what we think it is for the athlete. Let's just put it that way. It's not the solution for the athlete. You can say there's a lot of people scoring. Two big divisions and their commissioners, they're scoring. The NCAA, they're scoring. Okay, and now apparently private equity is scoring. Okay, but who's not scoring is the athletes.

Why do we have to listen to what Spencer has to say and be 50 years later and still be dogging the athletes with this kind of language that was agreed to in a settlement agreement? But now, somebody in the House of Representatives is writing language to

reverse the actual agreement they agreed to. I'm now referring to the fact that after 10 years, the rights that were agreed to in the Grant House vs. NCAA settlement evaporate.

So what is going on here that they still, to this day, are fighting to hold down the student athlete? Why? Why are they doing this? Why are they not coming to the table with billions of dollars, as my colleagues have said? [T]hat the only thing that they can do is to think of other ways in which they can reduce those rights, including asking for an antitrust exemption? Which an Antitrust exemption would give them more power, just as Spencer fought.

Why did Spencer have to fight? He had to fight because they made up a rule that limited his eligibility on how to participate in the system, and he had to say, "I have a right to participate! I have a right to become a player!"

And now we have to fight these same issues constantly. And so no, we don't believe in giving them a broad antitrust exemption. We don't. And...continuing to move forward without defining these individual rights is a mistake.

So, I just thank everybody for being on the call today, as Richard pointed out, we have introduced the SAFE Act. Our goal here, to speak to all of you, is that we want to increase the number of student athletes. We want to increase the number of scholarships for women. We want to increase the number of scholarships for Olympic athletes. We want a healthy ecosystem, and that means putting athletes at the table and listening to what they have to say, and giving them the rights that can be implemented and carried out without each one of them individually having to take up a legal action themselves.

So, thank you all very much, and I look forward to everybody's questions.

Morris: Thank you so much, Senator Cantwell for those remarks, and again, for your leadership on this issue.

Ross Dellinger – Yahoo Sports: Hello. Hey, Senator. Thank you for holding this. This is for just any of the lawmakers, but specifically, Senator Cantwell. Has there been any conversation with Senator Cruz over maybe any kind of bipartisan agreement on this issue? And do you expect any conversation going forward?

Sen. Cantwell: Well, interestingly enough, we had a markup this morning on several pieces of legislation. And, you know, I wanted to ask him about his plans. I don't want to announce things for him, but he did say that, you know, he was interested in having some, you know, hearings and information about this.

And so I think that is, you know, a development. I don't know when he's thinking about or what, if he's thinking way into the future, but he did seem to be interested in having some more conversations about this. So, I took that as a positive sign.

Sen. Blumenthal: Let me just add quickly, yes, very emphatically, there have been conversations with Senator Cruz, involving Senator Booker, and myself, others on the Democratic side, including some on the Republican side.

And, quite frankly, we've made no headway, or at least very minimal progress, with him, which is, I think, the reason that he's advancing the SCORE Act in the way that he is. But I'm still hopeful that we can come together, because we ought to share common objectives.

Senator Cantwell has referred very pointedly to the over-broad antitrust exemption that the SCORE Act provides. In fact, it gives them a free pass on preemption. It is vastly unfair to states that want to do more to help athletes on various issues, including enforcement.

This bill falls short. It is, in effect, a fake, a trick. You know, you could call it a spitball, but it, I think, fails the test of fundamental rights and protections, and I'm hopeful that we can still make progress with Senator Cruz, because, as I said at the very beginning, nothing will pass if it is purely partisan. And Senator Cantwell's leadership, I think, is going to be crucial to getting something done here.

Amanda Christovich – Front Office Sports: Hey everyone, thanks for doing this. Amanda Christovich from Front Office Sports. I actually have two questions, if you'll indulge me. The first question is for the union side.

Why haven't any of the pro sports unions engaged in any sort of formal organizing, or, you know, efforts to push towards collective bargaining? Because there have been others in the space who have done so, and then for any or all of the senators, the SCORE Act would prevent athletes from the ability to ever collectively bargain, because it prevents them from being employees. But why doesn't the SAFE Act codify the ability for collective bargaining? Thank you.

Spencer Haywood - NBPA: I would like to answer it in the essence that I'm here representing the NBA retired players, as well as the NBA Players Association, who has signed on to the letter to support Senator Cantwell.

Meghann Burke – Executive Director of the NWSLPA: Well, let me just say there's a lot of talk of the NCAA and conferences wanting student athletes to be organized. And I just need to be very clear that Title IX applies regardless of the status of how the NCAA perceives this issue. So just to answer your question directly, that's not to circumvent Title IX. It is still a requirement, and that's one of the main reasons we're opposed to the SCORE Act.

Sen. Cantwell: I can just say why, you know, this is one of the concerns we have with the SCORE Act. The fact that it basically says that you can't be employees is basically taking a right away from these athletes that you know, the same people on this call have fought time and time again, now they're cooking up a new idea that may limit their rights. Why are you doing that? Why are you limiting their rights?

So we tried to honor, at least the settlement agreement, that basically was a decision late last spring, to give athletes certain rights, and we thought by basically still continuing to say that they are student athletes, that it can continue the discussion in a way that the marketplace might want to have, but we thought that the most important thing to get done was -- as Cory, Dick, and I have worked on -- codify those rights that athletes have on a national basis so that they were adhered to, as opposed to a panoply of different state laws that have lots of things in there that undermine the athletes, even on things like contracts where, you know, the school still can outweigh and out decide what the athlete gets in a contract.

So, we thought getting that in place, and we also thought getting more revenue into the ecosystem in a broad way, by looking at the Sports Broadcasting Act, would be a way, as Dwayne was talking about, the changing landscape. How do you deal with the changing landscape? Well, we know that these rights have been given and decided in the *Alston* case by a 9-0 Supreme Court decision, and that this is what the Settlement Agreement also agreed to. So why not just give them these rights and try to put more money into the ecosystem by having all schools participate in media rights in an era where everything is practically becoming global. I know Spencer might have left for a minute, but like you know, basketball is becoming global, some of these sports are becoming global audiences. Why are we holding individual schools, individual athletes back from the ability to narrow cast and get content out into the internet in a way that might be beneficial to them.

So we thought that the best thing to do was to codify those rights to get more revenue into the system that could help everybody and help all schools, and preserve this discussion for the future, so that if it is the natural way things play out, that you haven't taken that off the table for these important voices.

Sen. Blumenthal: And just to clarify, Amanda, I may have misunderstood your question, but the codification doesn't require collective bargaining. It leaves open those rights, but it doesn't, in effect, straight jacket the system in that way, and it permits the flexibility for the expansion of rights in the future. That's what America is all about. We go in the direction of expanding rights. That's our history in America. We don't roll back, we don't regress, and that's what the SCORE Act would do. And unfortunately, what we're seeing coming out of our nation's capital all too frequently these days.

Ralph Russo – The Athletic: Thank you all for doing this. So, Senator Cantwell, I spoke with you directly about SAFE a couple of weeks ago, and I certainly wouldn't mind having your opinion on this. But I also want to direct this to Senator Blumenthal and Booker, the idea of addressing the Sports Broadcasting Act is within SAFE. For a lot of lawmakers who have dealt with SCORE that seems to be not necessarily an issue that needs to be taken off the table completely, but something that could slow down progress in general is that -- what is your opinion of the idea of maybe dealing with that at another time, as opposed to having it baked into whatever bill comes out of whether it's SCORE, SAFE, or something that Senator Cruz has been working on.

Sen. Blumenthal: If you're directing the question to me and Senator Booker, I'm sure I can speak for Senator Booker – just kidding. Nobody speaks for Senator Booker.

Here's the way I view it. As everybody knows, we have a limited antitrust exemption for the professional leagues when they negotiate broadcast rights and certain other kinds of contracts.

It makes sense to provide for that very limited exemption. And I will tell you I'm speaking as a former enforcer of antitrust laws, because the policy is that competition should serve the consumer. The reason for our antitrust laws is not to benefit the business, it's to benefit consumers. And so, in that context, it makes sense for fans to be able to watch TV and for the leagues to be able to benefit by selling the rights to broadcast it.

And the same principle is true for college athletics and the revenue that will be gained as a result of the contracts for broadcast will go to benefit athletes and schools. So, I think it should be addressed in the context of the bill.

Sen. Cantwell: Yeah, I listen. I might be going out on a limb here, but in my view, you could take the rights that Senator Booker and Blumenthal and I have worked on as a federal preemption for health and safety and scholarship, and you could probably pass them tomorrow. And you could say, this is the national law.

My guess is the people who are pushing the SCORE act won't let us do that, because that's not really what their objective is. Their objective isn't to codify rights for student athletes. Their objective is to run away with the money.

And you could, I would, be in favor of passing the agent provisions of our bill that basically say we're going to get really tough on these agents, and we're not going to let them go around the country chiseling money out of the hands of students with contracts that they just made up in the back of their car. And I would pass that tomorrow too, and feel really good about passing that tomorrow, and yet, my guess is the same people who support the SCORE Act are not going to let us do that.

The people who support the SCORE Act are the people who want to run away with the money. They basically want the two largest divisions to have the ability to have their TV revenue, even though they could make more out of the changes to the Broadcasting Act, and that would make more money for the ecosystem.

But the complexity of sitting down and getting people to talk about this, that's what we need. We need the leadership of people who really care about fixing the ecosystem. And again, going back to what Dwayne said, this is like a changing landscape. How do you deal with the changing landscape?

And you know, I want to point out that I got a letter from the Urban League, Marc Morial, last week that he and the National Basketball Retired Players Association, you know, opposing the SCORE Act on these various same points.

So, I think the issue is, while you could chisel away at this, I didn't even object to the fact that President Trump had said, let's create a task force and let's have a

conversation. But the same people who didn't want to have a conversation, got that shut down at the White House, and instead, just thought they could jam America, that they could score financially with leaving everybody else behind. And I think, as Senator Blumenthal has said several times now, that's not going to happen in the Senate.

Dan Murphy – ESPN: Thanks for your time today. I have two different questions. If I can get to the second, that's great. If not, I'll just stick with the first one here, depending on how much time we have. But I'm curious whether either of you senators see a stable and fair future for college sports without collective bargaining with athletes, or whether that's an essential piece of creating a future that actually works for the industry?

Sen. Cantwell: Well, I think, since this is an ecosystem that has, you know, Dick and I and Cory are really skilled at one thing, making legislation. We do know what it takes to make legislation, and we do know what that looks like, particularly on very complicated issues.

I would have to say that this issue where you've had this, let's just call it vagueness, you know, with the NCAA, and even Meghann can jump in here on things like Olympic sports, where...the entities that are in charge don't even have clear rules and regulations, and they're constantly changing and evolving, and they don't have, you know, clear authority.

And then there's craziness that presidents of universities might sign agreements that don't even tell their board what's in it, because they, you know, it's just there is a lot of opaqueness to this system, and that has made it very, very challenging. And so I think when we look at this, we say, 'Okay, well, what can you get done today that will create more stability in the landscape, that will give us more options, grow the pool and figure out what you know'...So it's not something that we never thought about.

It's just that you know it too is a major departure. So, I guarantee you, even if that was on the table today, the same people who support the SCORE Act would be coming telling us, 'oh, there's no way you can do that. It's too complicated, it's too crazy.'

So we just decided to follow the agreement. Why? Because the agreement set a legal milestone that both sides came to the table and agreed on, and that legal agreement was that they were student athletes, and you could move forward with this kind of rights in the law and this kind of system.

But they also failed to address some other really, really burgeoning problems, like the agent issue and, you know, like the Olympic issue. And we felt compelled to put this on the table. Not that it isn't you, just as the last questioner said, 'Well, that's maybe too big to swallow,'

But we know it's the right issue to put into the public discussion right now. We know that, that if you just blink and do the SCORE Act, you're just going to, as Meghann said, make the problem worse. You're not going to make it better. And at least Congress has the ability to pause and say, 'well, what could make it better?'

And we're now hearing from university presidents and people saying, 'oh my gosh, thank you. Thank you. Thank you so much for now saying this, because now it really does give us a chance.'

Sen. Blumenthal: We can make the system seismically fairer without requiring collective bargaining, and we have a historic opportunity to make it fairer to athletes, schools, everyone involved, and I don't want to see us squander it by trying to take on all the potential issues that could prevent us from moving forward and making progress and avoiding going backward.

Juan Perez – Politico: Thanks to everyone for hosting the call today and for the lawmakers for taking some time to answer questions here, two questions for the two of you here.

First of all, I'd like to hear your thoughts on any legislation advancing before the midterms. And secondly, I'd like to follow up on some of the prior points that you've made here. You've both talked about the need to find consensus. But longer term, I'd like to hear from both of you about how Democrats should address the employment issue.

And how can the party bridge gaps between senators, Democratic Senators, who say are vocal proponents of collective bargaining and employment rights, and those who are not, and keep a united front? Especially before this administration here, is that even a fight even worth having within the party?

Sen. Cantwell: Yeah, well, first of all, I've been involved with seven or eight issues over the last couple of years, and as divided as this government has been, I've just made it a personal challenge to keep legislating. And why? Because the problems still exist, and this one is a huge problem, and so we're not going to shy away from it just because, you know, there is division. We're going to try to continue and Dick and I have been at this for a very long time.

And secondly, this larger issue, is about, how do you even have a discussion about this ecosystem. How do you even start? And so, we put out the SAFE Act as kind of a milestone in the discussion to say, 'Well, what about these ideas?' These are the things that we think, you know, we really put on paper the things that we thought a lot of people agreed to, that players agreed to, that coaches agreed to, that individuals in the system agreed to, and thought they represented the best ideas of compromise.

There's a few things we still like to put out there on eligibility that we didn't have time to get done before, but we think it's a good discussion point, and so you're not really dividing anybody if you say to, you know, my colleagues in the Senate, don't you want to have these rights and these issues discussed and protected?

I think where you lose people is when you basically say, 'Oh, do you just want to give an antitrust, big, big, big wave on this, and somehow have these people run over these rights because you have been told, *you've been told*, this is the only thing you can do to save college sports.

I literally got a text from one of my colleagues months ago saying, you know, all the cuts that WSU had done to compensate from being left out of the big discussion when UW went and joined the Big 10 -- basically they got a \$35 million hole in their \$85 million budget. That's what happened to WSU. And so now what's their media rights going to be? Probably like \$10 or \$12 million a year.

So yes, they cut some programs. But one of my colleagues sent me a text saying, 'Oh, this is what we have. We have to pass the SCORE Act, because this is going to fix that.'

And I was like, this is just wrong, the SCORE Act is not going to fix that. The SCORE Act is going to make it worse. And so I do think members, you know, it's a lot to digest again, not because we're not good at understanding legislation and how to make it. It's because the lack of true oversight by anybody. And you know, it's not like there's an agency in the federal government who's got a handle on this.

It's not like the Department of Education, or the Department of Labor, there is no Department of Sports or the Department of Commerce. So, in fact, the jurisdiction of the Commerce Committee is one word -- sports. That's it, sports.

And so, Dick and I have a pretty good handle, Dick being a great leader on trying to clean up the mess that happened in college athletics as related to sexual assault. And Dick did a fabulous job of trying to figure out how to solve that within the framework of not really having strong legislative, you know, oversight and structures within Olympic sports.

So, the point is that this kind of discussion where you get the best ideas on the table, you air them, and you get the discussion. So I hope we will have hearings. I hope we will have a discussion about this. I hope that my colleagues will understand the intricacies of this system.

But it's had so little oversight that is why it's run amok in the context of not having a direct line of responsibility on, you know, this system where you have boards and presidents and commissioners and, you know, ideas that that don't all see a lot of discussion.

Sen. Blumenthal: Let me, let me just address your question directly. The chances of passing the SCORE Act before the midterms -- zero. The chances of passing the SAFE Act -- possible, but uphill.

But I will tell you, the chances of passing anything before the midterms -- possible, but uphill. That's just the nature of Congress these days. I don't need to spell it out for anybody on this call, but this issue is one that potentially is a unifier.

Cory put it so well, sports brings us together. We go to athletic contests, whether it's my four kids when they played soccer growing up, or Little League, parents came together and we shared stories, and I never knew whether they were Republican or Democrat. I never knew whether they voted for me. It brings us together, and I think that is true in

the United States Senate as well. So, I am hoping that it will be this kind of unifying force. And we can't do everything in one foul swoop.

We're going to wait on the collective bargaining issue, on the employment issue, and let it develop a consensus. Right now, as you know, there are divisions, very strong divisions, on it, but we can't let the perfect be the enemy of the good. We want to get something done. I'm very result oriented. Senator Cantwell was instrumental on a bill that I've advanced for several years, the Kids Online Safety Act, to protect kids on the internet. It passed the United States Senate, 91 to 3, totally bipartisan. I view the same happening on college athletics.

Evan Drellich – The Athletic: This is for any of the senators. Not long after the SCORE Act was introduced, President Trump put out an Executive Order largely supporting it. And it's not the only spot or moment of time we've seen the President intervene or try to intervene in sports. It keeps happening. And the question for the senators is, what do you make of this? What is the impact of a president who is so focused on sports, on the American public and these issues?

Sen. Cantwell: Well, I think it's, I think it's a good thing if the President of the United States takes a holistic approach to this and says, hey, the United States of America needs to produce Olympic athletes. And the majority of Olympic athletes come from the NCAA system. And what are you doing to ruin the NCAA system? If you basically create an arms race on, you know, football in general, and then do nothing to, you know, take care and compensate on the rest of these [sports], like our goals are.

So I do think, you know, I found it, uh, amusing. There was a USA Today article that said Trump and Democrats, meaning Dick, Cory, and I, seem to be on the same page as it relates to the Executive Order. I know people have tweeted that. And so, I think, you know, if the President wants to help women, Title IX, and help Olympic athletes, I think that's a good thing to do.

Sen. Blumenthal: Let me just say generally. And again, I hate to speak too much like a lawyer, but executive orders are only as good as the President's authority, and if the President lacks authority to order certain actions, it's challengeable in court, and it may be eliminated simply by the force of people asserting rights to have laws passed by the Congress. So that's why we need laws passed by the Congress to be enduring and to avoid diminishing or denying rights, as is happening right now on the playing field and afterward in the lives of athletes.

So as much whether we support or oppose Executive Orders, ultimately, we need some legislation.