



**Testimony of Bob Bowsby
Commissioner of the Big 12 Conference**

**U.S. Senate Committee on Commerce, Science and Transportation
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
September 13, 2016**

Chairman Moran, Ranking Member Blumenthal, and distinguished members of the subcommittee, on behalf of the Big 12 Conference and its member-institutions, thank you for holding this hearing and providing me an opportunity to testify. I have personally been here in Washington, D.C. many times to socialize issues affecting intercollegiate athletics. We have many challenges—the welfare of our student-athletes, too many victims of sexual assaults on our campuses, multiple class action lawsuits, rules enforcement and violation investigations—the list is long and ever-evolving.

That said, there is a lot going right with college athletics. Over \$2.7 billion dollars annually goes to scholarships for student-athletes, which is the second largest scholarship program in the country behind the GI Bill as far as effectiveness in providing a college education for our citizens. One in six student-athletes is a first-generation college student. More than eight out of 10 student-athletes at Division I schools will earn bachelor's degrees, a higher percentage than the rest of the student population.

Intercollegiate athletics are an integral part of the college experience. The 150,000 student-athletes that compete at the NCAA level and the teams on which they play are the source of pride among student bodies, faculty, alumni and the communities where they reside. This was demonstrated yet again during the recently-concluded Olympic Games in Rio. The Big 12 Conference had 87 current or former student-athletes who participated in the Games, representing their countries and—indirectly—the schools from which they came.

Some of our sports produce revenue from ticket sales, merchandise licensing and television contracts. This revenue is vital to an athletic department's autonomous budget and is used to enhance the educational mission of our universities.

There is a unique relationship between a school and its fans. It is not uncommon for our programs to have families that are season ticket holders across multiple generations. Because of these special relationships, tickets to college sporting events are often priced below fair market value, in order to appeal to a wide variety of supporters—boosters, alumni, young professionals, and students, to name a few. We are constantly looking for ways to enhance the fan experience and hopefully encourage them not to succumb to the temptations of the couch.

I am convinced that for certain games in a given season our universities could charge more than they do for tickets. After all, there are a finite number of seats to an athletic contest in

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any venue, so supply is fixed. The demand to see that live event may overwhelm the supply of available tickets. Schools could substantially raise ticket prices for that big game. However, doing so would not be in the interest of that school's long term relationship with its fan base. Accordingly, in a scenario where individuals are willing to pay a great deal more for a ticket than its stated face value, some unscrupulous actors will exploit that situation.

While many of the tickets to our athletic events are held by season ticket holders, individual game tickets are also sold. I fully support free-market, capitalist economics and the ability of individual ticket holders to profit from market forces if they so choose. However, with respect to certain games, scalpers will use computer programs to buy up more tickets than individuals are allowed to buy just so they can re-sell them on secondary ticketing sites. For the record, the Big 12 Conference's member-institutions strongly oppose this type of ticket-scalping. Whether it is an individual lurking outside the perimeter of an arena or a sophisticated computer operator unleashing a torrent of bots, the bottom line is this: The hard-earned money our fans spend on tickets to our sporting events should benefit our schools and student-athletes; not third parties who seek to make a quick buck off of our most passionate supporters. Our conference has some of the best college sports fans in the country. The bad actors that use bots to buy up large blocks of tickets are essentially cutting in line in front of real fans in order to profit off of something they did nothing to create.

I know that individual states are attempting to address the issue of bulk purchasing by banning ticket bots. However, this is an issue that goes beyond a State's geographical borders and I believe a federal solution is in order. I fully support S. 3183, The Better Online Ticket Sales (BOTS) Act, and I commend the bipartisan approach by the bill's sponsors and those taking a leadership role in this matter.

I am aware that some naysayers and pundits have questioned whether there is anything that Congress can or, should, do on this issue and that 21st-century ticket scalpers will still find a way to game whatever system is in place. I disagree. I believe it is appropriate to make the use of bots an unfair and deceptive practice if used to circumvent an internet website's ticket access control measures. I also applaud allowing the Federal Trade Commission or state attorneys general to take civil enforcement actions against individuals who employ deceptive practices to thwart the integrity of online ticket purchases. We support this legislation as a necessary measure to ensure that our universities' fans have access to good tickets at face value.

I attended college on an athletic scholarship as a wrestler. My professional career has been spent around students, fans, and college sports as an athletic director and now as Commissioner of a high-visibility conference. We should celebrate and encourage healthy competition on the field of play between student-athletes and their respective teams; we should denounce, however, forced competition on internet ticket sites between ardent fans and faceless scalpers who seek to profit from those fans' passion for college athletics.

Thanks, again, for your invitation to testify and I look forward to your questions.