

United States Senate

WASHINGTON, DC 20510

May 8, 2009

Mr. John D. Swofford
Commissioner
Atlantic Coast Conference
4512 Weybridge Lane
Greensboro, NC 27407

Mr. David B. Frohnmayer
Office of the President
1226 University of Oregon
Eugene, OR 97403-1226

Dear Commissioner Swofford and Chairman Frohnmayer:

We are writing to express our concerns regarding the college football Bowl Championship Series ("BCS"). It is our hope that, given the high-profile controversy surrounding the BCS in recent years that you will use the upcoming negotiation of the extension of the broadcasting contract as an opportunity to reexamine and improve upon the system.

The current BCS system has been shown to be flawed with respect to access to BCS bowl games, the continued denial of a fair opportunity for teams to compete for the national championship, and the manner in which significant broadcasting revenue is distributed. As you are undoubtedly aware, journalists, university officials, and fans of college football throughout the country have criticized the BCS almost since its inception. Recently, President Barack Obama and a bipartisan group of Members from both the House and Senate have raised questions about the BCS.

The inadequacies of the current BCS system extend far beyond the inequities on the field. Universities that compete in BCS bowl games and have an opportunity to compete for the national championship garner increased visibility for their institutions. In addition, many teams that have never qualified for a BCS game are able to receive a substantial share of the revenues generated by the BCS simply by virtue of their membership in the favored member conferences. At the same time, nearly half of all the teams in Division I football are forced to share a far smaller portion of the revenues even if a team from their conference is able to overcome the odds and play their way into a BCS game. Therefore, those schools that do not hail from the BCS's preferred conferences begin each season at competitive and financial disadvantage.

The financial ramifications of these inequities are very significant. As you know, many, if not the majority, of schools rely on the profitability of their football programs to fund other athletic programs, enhance their facilities, offer scholarships, and improve their academic programs. The BCS gives every school in its automatic-bid conferences a leg up in these areas, leaving nearly half the schools, in most respects, on the outside looking in. A fairer system would significantly raise the revenue received by all participating universities and it is our hope that such a system can be created.

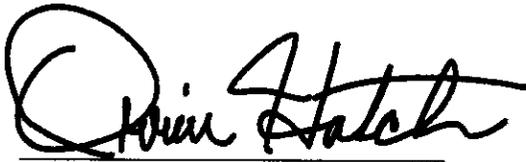
Notwithstanding these demonstrated inequities, it is our understanding that the BCS is contemplating a four-year extension of its current broadcasting contract that will lock in the current system. In light of growing concern among elected officials regarding the BCS system, not to mention the complaints of millions of college football fans and consumers throughout the country, we have serious concerns about what appears to be an attempt to preserve the status quo for the foreseeable future.

In addition, it would be helpful to learn whether, prior to seeking to extend the current system, other alternatives were considered. In addition, we would like more information regarding the process by which any potential changes to the system were discussed and considered among the membership in the BCS. Finally, we wish to know how an extension of the current system can be justified in light of its demonstrated inequities.

Though such options have been widely discussed, it is our hope that this situation can be resolved with a minimum of government involvement. That being said, the revenues generated by the BCS are unprecedented, making its impact on interstate commerce undeniable. In addition, there may be legitimate legal questions regarding what appear to be coordinated exclusionary tactics by the originators of the BCS. These tactics appear to be having a negative and inequitable impact on a number of our nation's colleges and universities.

It is our sincere belief that further government intervention or investigation into these matters can be avoided by voluntary action on your part. Indeed, we hope that you will take action to preserve competitiveness and fair play in college football and do what is best for consumers as well as for our nation's schools.

Sincerely,



Orrin G. Hatch
United States Senator



Robert F. Bennett
United States Senator

cc:

Bill Hancock, Bowl Championship Series
Dr. Charles Steger, Virginia Tech
Mr. Mark Nordenberg, University of Pittsburg
Mr. Robert Khayat, University of Mississippi
Dr. Graham Spanier, Penn State University
Father John Jenkins, University of Notre Dame
Mr. Harvey Perlman, University of Nebraska
Dr. John Peters, Northern Illinois University
Craig Thompson, Mountain West Conference
Michael Tranghese, Big East
Tom Hansen, Pac 10
James Delany, Big Ten

Mike Slive, Southeastern Conference
Dan Beebe, Big Twelve
Wright Waters, Sun Belt Conference
Britton Banowsky, Conference USA
Karl Benson, Western Athletic Conference
Rick Chryst, Mid-American Conference