To prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any post-season NCAA Division I football game as a national championship game unless such game is the culmination of a fair and equitable playoff system.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. Barton of Texas (for himself, Mr. Rush, and Mr. McCaul) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any post-season NCAA Division I football game as a national championship game unless such game is the culmination of a fair and equitable playoff system.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “College Football Playoff Act of 2009”.

4 SEC. 2. FINDINGS.

5 Congress finds that—
(1) college football games, including post-season football games, depend upon competition between college and university teams traveling in interstate commerce;

(2) the competitions involve and affect interstate commerce and are therefore within Congress’s constitutional authority to regulate;

(3) the total economic impact in the host cities from the 5 Bowl Championship Series (BCS) games in January 2008 was estimated at more than $1.2 billion;

(4) collegiate athletic conferences whose teams participate in each BCS bowl game share $17.5 million in revenue;

(5) the BCS system recognizes the important economic impact to a city hosting the BCS championship game and therefore rotates it among cities; and

(6) the colleges and universities whose teams participate in the post-season football bowls experience significant financial windfall including increased applications for enrollment, recruiting advantages, increased alumni donations, and increased corporate sponsorship that provides a competitive advantage over universities whose teams are inel-
gible or statistically at a disadvantage from the BCS bowl competitions because of their conference affiliation.

SEC. 3. PROHIBITED ACT.

(a) Promotion of Game.—It shall be unlawful for any person to promote, market, or advertise a post-season National Collegiate Athletic Association (NCAA) Division I Football Bowl Subdivision (FBS) football game as a championship or national championship game, unless the game is the final game of a single elimination post-season playoff system for which all NCAA Division I FBS conferences and unaffiliated Division I FBS teams are eligible.

(b) Merchandising.—It shall be unlawful for any person to sell, market, or advertise any merchandise related to a post-season NCAA Division I FBS football game that refers to the game as a championship or national championship game, unless the game is the final game of a single elimination post-season playoff system for which all NCAA Division I FBS conferences and unaffiliated Division I FBS teams are eligible.

SEC. 4. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) Enforcement Authority.—A violation of section 3 shall be treated as a violation of a rule defining
an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(b) REGULATIONS.—The Federal Trade Commission may promulgate regulations or issue interpretative guidelines as necessary to implement and carry out this Act.

SEC. 5. EFFECTIVE DATE.

The prohibition in section 3 shall apply to any post-season NCAA Division I FBS football game that occurs after January 31, 2011.