

111TH CONGRESS  
1ST SESSION

# H. R. 390

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.

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## 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

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## 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 Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “College Football Play-  
5 off Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) college football games, including post-season  
2 football games, depend upon competition between  
3 college and university teams traveling in interstate  
4 commerce;

5           (2) the competitions involve and affect inter-  
6 state commerce and are therefore within Congress's  
7 constitutional authority to regulate;

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

12           (4) collegiate athletic conferences whose teams  
13 participate in each BCS bowl game share \$17.5 mil-  
14 lion in revenue;

15           (5) the BCS system recognizes the important  
16 economic impact to a city hosting the BCS cham-  
17 pionship game and therefore rotates it among cities;  
18 and

19           (6) the colleges and universities whose teams  
20 participate in the post-season football bowls experi-  
21 ence significant financial windfall including in-  
22 creased applications for enrollment, recruiting ad-  
23 vantages, increased alumni donations, and increased  
24 corporate sponsorship that provides a competitive  
25 advantage over universities whose teams are ineli-

1           gible or statistically at a disadvantage from the BCS  
2           bowl competitions because of their conference affili-  
3           ation.

4 **SEC. 3. PROHIBITED ACT.**

5           (a) PROMOTION OF GAME.—It shall be unlawful for  
6 any person to promote, market, or advertise a post-season  
7 National Collegiate Athletic Association (NCAA) Division  
8 I Football Bowl Subdivision (FBS) football game as a  
9 championship or national championship game, unless the  
10 game is the final game of a single elimination post-season  
11 playoff system for which all NCAA Division I FBS con-  
12 ferences and unaffiliated Division I FBS teams are eligi-  
13 ble.

14           (b) MERCHANDISING.—It shall be unlawful for any  
15 person to sell, market, or advertise any merchandise re-  
16 lated to a post-season NCAA Division I FBS football  
17 game that refers to the game as a championship or na-  
18 tional championship game, unless the game is the final  
19 game of a single elimination post-season playoff system  
20 for which all NCAA Division I FBS conferences and unaf-  
21 filiated Division I FBS teams are eligible.

22 **SEC. 4. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**  
23 **SION.**

24           (a) ENFORCEMENT AUTHORITY.—A violation of sec-  
25 tion 3 shall be treated as a violation of a rule defining

1 an unfair or deceptive act or practice prescribed under sec-  
2 tion 18(a)(1)(B) of the Federal Trade Commission Act  
3 (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission  
4 shall enforce this Act in the same manner, by the same  
5 means, and with the same jurisdiction as though all appli-  
6 cable terms and provisions of the Federal Trade Commis-  
7 sion Act were incorporated into and made a part of this  
8 Act.

9 (b) REGULATIONS.—The Federal Trade Commission  
10 may promulgate regulations or issue interpretative guide-  
11 lines as necessary to implement and carry out this Act.

12 **SEC. 5. EFFECTIVE DATE.**

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

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