

United States Senate

WASHINGTON, DC 20510

May 4th, 2020

Mark Emmert
President
National Collegiate Athletic Association
700 W. Washington Street
Indianapolis, IN 46206

Dear President Emmert:

The framework proposed in the final report by the NCAA's Board of Governor's working group regarding the ability of college athletes to derive compensation from the value of their name, image, and likeness (NIL) through third-party endorsements rightfully acknowledges the need to significantly reform the existing system. Whether the changes recommended in this report were motivated simply by a desire to stem state's efforts to provide college athletes with greater compensation rights, or by a sincere aspiration to help them, is largely immaterial. What matters now is how the NCAA, state legislatures, and Congress proceed from here, and how we work together to repair a broken system that too often puts the interests of college athletic programs and the massive for-profit industries that surround them, over the interests of students.

Today, we write to express our concern that this framework still does not come close to providing college athletes with the rights and opportunities they deserve. Further, as the NCAA looks to Congress for legislative support in modernizing its rules, we believe the broader needs of college athletes, particularly their health and academic opportunities, must also be at the center of this conversation about reforming the NCAA's current model.

The NCAA's framework for NIL and third-party endorsements represents both a step forward and a step back. Yes, the framework describes a goal of creating the opportunity for athletes to be paid for NIL rights, but it also says that these opportunities will be restricted by what the report calls "guardrails". Thus, it remains completely uncertain how the NCAA will determine an athlete's endorsement deal fits within its proposed guardrails and whether those guardrails will be so restrictive, the rules so byzantine, and the penalties so onerous, that students will in fact have no meaningful ability to receive compensation for NIL rights.

Further, the report contemplates Congress passing legislation that will grant college athletic programs broad immunities from state regulation and legal claims. These requests are potentially sweeping in scope, and we believe that any protection that Congress grants the NCAA or its members from legislative or legal proceedings should be met with a broad series of reforms that advance college athlete protections.

Too many college athletes fall victim to a system that puts their health and safety secondary to winning and generating revenue. Cases of athlete abuse and death across sports remain painfully common, while the coaches involved are often not held to account. Many athletes still end up with medical debt from injuries that athletic programs won't cover, or lose their scholarships

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because of major injuries. Thousands of college athletes still face the unnecessary risk of long-term brain injuries due to the lack of enforceable safety standards and generations of college sports leaders overlooking the consequences of concussions. Meanwhile, too few college athletes receive the full benefit of their scholarships. Graduation rates for athletes at many big-time programs remain well below their peers and demanding athletic schedules still limit the academic options athletes have. With so many issues affecting the well-being of college athletes, we need reform that provides real protections.

We believe that the report's recommendations inadequately advance the interests of college athletes, and we further believe that any legal protections granted to NCAA members by Congress should be met with broader reforms that address the health and well-being of athletes.

We are encouraged by the NCAA's progress on addressing third-party endorsements. This movement in the right direction is important. But we urge the NCAA to go further in reforming a broken system, and we look forward to working with you and your members in this effort.

Sincerely,

/s/ Cory A. Booker
United States Senator

/s/ Christopher S. Murphy
United States Senator