**Senator Dick Durbin**
**Chair, Senate Judiciary Committee**
**Written Responses to Senator Durbin's Questions**
**By Ramogi Huma, Executive Director, National College Players Association**
**Submitted November 6, 2023**

1. **As Founder and President of the College Athletes Players Association and former UCLA football player, you have been a leading voice for college athletes for over a decade. You have a depth of experience working both nationally and at the state level, including in California, to support college athletes.**

   **a. How can the federal government best support college athletes?**

Despite decades of advocacy, scrutiny from lawmakers and the media, NCAA sports has failed to prioritize the well-being of college athletes. The federal government can best support college athletes by passing legislation that provides protections that college athletes desperately need. This includes ensuring the enforcement of safety guidelines to prevent serious injury, sexual abuse, death among college athletes, coverage for college athletes' short-term and long-term sports-related medical expenses and prohibiting NCAA and conference discriminatory treatment against athletes in women's sports.

The federal government can also refuse to grant the NCAA's and conferences' demands of an NIL only bill and legislation that would cast college athletes into second-class citizenship by prohibiting them from receiving a direct share of the revenue that they produce, denying them equal rights and protections under antitrust and labor laws.

   **b. What lessons can be learned from California's work on college athletics, especially with respect to revenue-sharing and gender equity?**

I'm glad you asked this question. For years, the NCAA and conferences have claimed that it would be impossible to pay college athletes fairly without cutting non-revenue/Olympic sports, and that Title IX would prevent football and basketball players from being paid fairly. It was a strategy of divide and conquer – pit athletes and their supporters against each other.

The NCPA is the sponsor of California Assembly Bill 252, "The College Athlete Protection Act". This legislation is authored by former San Diego State basketball player Chris Holden. Not only would it ensure broad-based reform such as the enforcement of safety standards and coverage for athlete's medical expenses, it would also require revenue share and other protections to benefit athletes from all sports:

- Require Division I colleges that pay their athletes less than fair market value (includes scholarship amount) to use any newly generated athletic revenue to pay these athletes upon the completion of their degree.
- Sets fair market compensation for athletes at 50% of their respective team's revenue as

reported to the US Department of Education

- Prohibits Division I colleges from reducing sports, roster spots, total athletic scholarship amounts, or funds for athlete support services.
- Ensures equal pay for athletes in women's sports and requires colleges to abide by Title IX when making payments.
- Requires colleges to comply with Title IX proportionality requirements for scholarship money
- Requires colleges to generate and publicly report Title IX transparency requirements.

AB 252 is the embodiment of the proof that the NCAA, its conferences, and colleges were misleading athletes, lawmakers, and the public about the possibility of requiring revenue without harming various sports. It's a model where all athletes win, colleges athletes are paid fair market value, and athletes in women's sports are treated equally.

It's important to note that, while the bill must still be approved by the California Senate and Governor, the California Assembly already voted in favor. This chamber recognizes that fair market compensation for college athletes is 50% of their respective team's revenue. If Congress moves to require athlete revenue sharing, it should also set athletes' fair market value for direct pay at 50% of team revenue.

2. **When people talk about issues in college sports, a lot of the conversation focuses on big-time college football and basketball. For instance, conference realignment is largely driven by football and the pursuit of more lucrative media rights deals. Yet, athletes in all sports in those conferences have to live with the consequences.**

    a. **With TV money appearing to drive these decisions, do we need to rethink "one-size-fits-all" approaches to things like conference membership and how various sports are treated?**

Cut-throat conference realignment driven by universities' relentless pursuit of football TV revenue imposes academic, physical and mental health, and familial hardships on college athletes. The NCPA is opposed to conference realignment that forces college athletes to play against conference members who are outside their college's region and reduces athletes' conference championship opportunities by creating mega-conferences.

In terms of conference membership, some colleges already sponsor intercollegiate teams that belong to different conferences. This goes to show how shortsighted college sports leaders are acting when they sign deals to require every team to join a conference with conference members that are far outside their campus – all to chase football and basketball TV revenue. At the very

least, they could have kept nonrevenue sports in regional conferences to spare these athletes various hardships and spared themselves significant travel expenses.

However, the well-being of football and basketball players should not be sacrificed for TV dollars either. They should also be in regional conferences. College sports has already grown into a $17 billion dollar industry. This did not require college football and basketball players to compete in conferences well outside their campuses. According to USA Today, the average salary for a head basketball coach and head football coach at a public school is $3.4 million and $6.2 million per year, respectively. These same colleges are realigning into new conferences but they already have plenty of money. Not all money is good money.

It's important to point out the hypocrisy when colleges claim revenue sharing would require them to cut sports but remain silent about economic losses imposed on colleges like Washington State and Oregon State that might result in these colleges cutting sports.

These colleges receive federal funds and receive billions in tax-free athletics revenue due to their educational mission. That educational mission cannot be replaced with a mission to chase TV money. Congress has a responsibility to hold colleges accountable in prioritizing their athletes' education and well-being.

In addition, lawmakers, players, parents, alumni, and fans are being told to celebrate new TV money, but these huge conferences leave their team with far less of a chance of winning a conference championship. It's the very definition of selling out your athletic program in the name of salary increases for athletic directors, conference commissioners, and coaches.

**b. If so, what might a new system look like?**

In a new system, there should be one area in which "one size fits *almost* all". With few exceptions (i.e. the University of Hawaii), colleges should be limited to conference membership in which conference members are within a certain travel time radius from each other.

While some may feel that addressing realignment that has already occurred is too difficult to achieve, it isn't. It wasn't long ago when some people would have thought it impossible for conferences to align the way they have. Conferences and colleges can and should be required to realign based on reasonable regional parameters and conference membership maximums.

3. **Currently, there is no national, uniform law addressing NIL in college athletics, leaving NIL policy to be governed by a patchwork of state laws.**

   **How difficult is it for current and prospective college athletes to understand and stay on top of the different state laws addressing NIL?**

I don't believe there are any statistics about the degree to which current and prospective college athletes feel that it's a challenge to stay on top of different state laws. Similar to differences in colleges' student code of conduct or other state laws that may or may not affect colleges athletes from one state to the next, it hasn't been something that college athletes seem to be focused on.

The NCPA is unaware of any prospective or current college athlete that has been charged or prosecuted over a violation of a state NIL law, and only about half of the states have an NIL law. After almost two and a half years, it appears that a patchwork of state laws is working well.

The NCPA supports prospective and current athletes being fully informed on NIL freedoms throughout the country. The NCAA, conferences, and colleges could and should make this information available publicly online and in recruiting materials. Instead, they are claiming that the only way to accomplish this is for Congress to pass a uniform law.

The NCPA only supports a uniform NIL law that does not unjustly reduce athletes' NIL freedoms and is accompanied by meaningful broad-based reform.

4. As Congress considers potential legislation to regulate college sports, please answer the following questions.

   **a. In 2022, the Power 5 conferences reported a combined $3.3 billion in revenue. Should athletes in Power 5 conferences be subject to the same rules with respect to NIL, revenue sharing, and employment status as athletes in non-Power 5 conferences? Why or why not?**

   **b. In the past few years, the Big Ten (seven years, $7 billion), SEC (ten years, $3 billion), and Big 12 (six years, $2.28 billion) signed massive media-rights deals driven largely by the rights to air the conferences' football games. Should football players in Power 5 conferences be subject to the same rules with respect to NIL, revenue sharing, and employment status as athletes in other sports and conferences? Why or why not?**

   **c. In 2016, the NCAA extended its contract with Turner Sports and CBS to broadcast the men's college basketball tournament. The extension was for $8.8 billion over eight years. Should men's basketball players be subject to the same rules with respect to NIL, revenue sharing, and employment status as other athletes? Why or why not?**

   **d. What other distinctions, if any, should Congress make when crafting rules for NIL, revenue sharing, and employment status for college athletes?**

Answers to Questions 4a.-d.

Regarding the issues of NIL, revenue sharing, employment status, there are various aspects to consider.

First, since the primary NIL issue being debated centers on inducements, it's worth discussing whether this should apply in college athletic associations and divisions where there is likely little to no concern about inducements. Should there be a policing of inducements among college athletes who are never recruited to NCAA Division I? Is it worthwhile for Congress to outlaw and find ways to police inducements that likely don't exist on the community college, NAIA, or NCAA Division 2 or 3 levels? Probably not. While athletes on all levels should have NIL freedoms, enforced safety standards, and other protections, it would be more reasonable to focus any NIL inducement restrictions exclusively on the Division I level.

In the fall of 2021, the National Labor Relations Board issued a memo declaring that Northwestern football players and similarly situated athletes are employees under the National Labor Relations Act. Subsequently, the NCPA filed unfair labor practice charges with the NLRB to affirm employee status for FBS football players and Division I men's and women's basketball players. The NCPA holds that athletes in these sports are similarly situated. In aggregate, these athletes consistently receive amounts that are significantly below fair market compensation relative to what they generate for their respective teams and clearly meet the definition of employees under the NLRA. The NCPA's focus on FBS football and Division I basketball players does not equate to the NCPA promoting a federal law prohibiting other athletes from employee status and labor law protections. That issue calls for additional analyses and discussions. It's important to note that a recent poll found that 64% of Americans support employee status for college athletes. The same poll also found that 67% of Americans believe colleges should pay their athletes.

It's safe to say that, at this time, revenue share should only be a consideration among NCAA Division I colleges. Unlike other NCAA divisions and other athletic associations, the nature of Division I is big business.

The fair and practical way to approach revenue share is to ensure Division I college athletes receive roughly the same percentage of revenue from their respective team as athletes in other professional sports such as the NFL and NBA - approximately 50% of total revenue. Again, the California Assembly voted to establish 50% of total team revenue as fair market pay for Division I college athletes. Many Division I athletes already receive 50% or more of team revenue in the form of an athletic scholarship, while others receive far less than 50% (primarily in FBS football, and Division I men's and women's basketball).

Your thoughtful questions highlight that colleges in Power 5 conferences are clearly generating vast amounts of money from the talents of their athletes. However, there are plenty of other colleges that do not belong to a Power 5 conference that report significant amounts of FBS

football and basketball revenue that should also be required to share revenue with their athletes. For example,

- Fordham University reported over $4 million in women's basketball revenue
- Temple University reported $4.6 million in women's basketball revenue
- St. Joseph's University reported over $5 million in men's basketball revenue
- Creighton University reported $10 million in men's basketball revenue
- University of Connecticut reported generating $18.5 million, $24 million, $8.5 million in football, men's basketball, and women's basketball, respectively
- San Diego State University reported football and men's basketball revenues of approximately $20 million and $10 million, respectively
- Gonzaga reported $17 million in men's basketball revenue

Additionally, colleges inside and outside of the FBS revenue reported significant revenue for athletes in sports other than football and basketball. For example:

- 20 Power 5 and non-Power 5 colleges reported women's soccer revenue between $2-3.7 million
- 6 Power 5 and non-Power 5 colleges reported women's gymnastics revenue of $1.9-$3.1 million
- 10 Power 5 and non-Power 5 colleges reported baseball revenue between $5-11.5 million
- The University of Hawaii, Manoa reported $5.1 million in men's golf revenue & $5.2 million in women's golf revenue
- Howard University reported $5.7 million in women's golf revenue

These are examples of colleges reporting significant amounts of revenue for teams in sports other than football and basketball that should be required to share revenue with its these athletes. However, the NCPA is open to discussions exploring the idea of allowing some Division I colleges reporting very low revenue to opt-in/out of sharing revenue with its athletes. For instance, of 353 Division I colleges, 117 of them reported less than $20 million in total athletic revenue across all sports and sources.

There are two fair models of revenue share Congress should be aware of and consider. One model is for athletes on each team to receive 50% of their team's revenue. This would yield very different payments among college athletes at different colleges who participate in the same sports. This is the model in California AB 252.

The second model is to identify Division I sports where, throughout Division I, athletes in a particular sport who do not receive fair market pay (in aggregate) are paid an equal amount from a fund that Division I colleges collectively pay into. While a state like California does not have the power to do this, Congress does. This model should also leave a pathway for fair

compensation for athletes who receive significantly less than fair market value even if athletes in that sport receive fair market pay in aggregate.

**Senator Sheldon Whitehouse**
**Senate Committee on the Judiciary**
**Hearing on "Name, Image, and Likeness, and the Future of College Sports"**
**Written Responses to Senator Whitehouse's Questions**
**By Ramogi Huma, Executive Director, National College Players Association**
**Submitted November 6, 2023**

1. **Student-athletes are young and have little experience with contract negotiations, leaving them vulnerable to bad actors who attempt to take advantage of them in one-sided NIL contracts.**
    a. **Who should be responsible for ensuring that student-athletes are protected from exploitation?**
    b. **What processes or regulations are necessary to ensure student-athletes do not fall victim to predatory business practices?**

    Answers to Questions 1a. & b.

    My answer to these questions has two parts. First, the colleges, conferences, NCAA and their business partners should not have any powers in this area. These entities have colluded to impose economically exploitative systems on college athletes and recruits. The only reason athletes have NIL and representation freedoms today is because state lawmakers outlawed NCAA sports' self-serving, monopolistic athlete NIL and representation bans. To this day, colleges use the Letter of Intent, a one-sided legal agreement that commits athletes to a college but does not commit the college to the athletes. To this day, the NCAA, conferences, and colleges shamelessly collude to impose bans on direct athlete compensation that violate federal and state antitrust laws. These entities should not be given any regulatory power to certify athlete representatives or decide what is and is not allowable. However, colleges can and should provide mandatory workshops teaching their athletes about NIL contracts, taxation, and other financial skills which will help protect them from exploitative contracts.

    Second, Congress can directly prohibit and render void certain exploitative arrangements i.e. predatory recoupable loans camouflaged as NIL deals. Congress should also assign a third party (possibly funded through mandatory fees paid by the NCAA, high revenue conferences, and colleges) to certify athlete representatives for athletes in any sport that does not have a union of performing this function. Whether or not athletes ever form a union remains to be seen. But there will surely be athletes in various sports in different divisions that will likely never have an athlete union. These athletes need to be protected from negligent, fraudulent, and predatory representatives as well.

2. **Star athletes playing collegiate men's football and basketball at dominant institutions have secured the majority of NIL deals.**

a. **To what extent should Congress or the NCAA try to create NIL regulations that promote NIL deals for all student-athletes, not just the star players?**
b. **To what extent should Congress or the NCAA try to create NIL regulations that promote NIL deals for teams that do not generate revenue for their universities?**
c. **How can Congress or the NCAA ensure fairness and equity between men's and women's collegiate athletics in securing NIL deals?**

Answers to Questions 2a.-c.

There are two forms of compensation that college athletes should be free to earn – direct compensation from their colleges and NIL pay. While direct compensation from colleges can be a pathway to ensuring all athletes on a team are paid equally (not just the stars), NIL compensation is different. It is paid by third parties based on free market forces that prioritize the real or expected value that an NIL brings to promote a product, service, enhance an experience, etc.

In terms of increasing NIL opportunities for all sports, there's a stark difference between *promoting* NIL opportunities and *regulating* NIL opportunities in pursuit of bringing forth similar NIL compensation. The NCPA encourages both the NCAA and Congress to find ways to promote NIL opportunities for athletes in all sports. One way to close the gap between NIL opportunities among athletes in men's and women's sports is for Congress to improve Title IX transparency and enforcement. One major reason that football and men's basketball players have more NIL opportunities is because the colleges have not invested in the promotion of women's sports equal to that of men's sports – football and men's basketball in particular. Also, because of the lack of Title IX enforcement, there are 15,000 fewer NCAA Division I athletes in women's sports nationwide compared to athletes in Division I men's sports (EADA statistics). This may be a contributing factor to the difference in NIL opportunities between athletes in men's and women's sports. Another area is to ensure that any NIL collectives that are sharing central functions with colleges are also subject to Title IX's equal promotions requirements.

I've explained why the NCAA should have no power to *regulate* NIL. Congress should not *regulate* the college athlete NIL market in an attempt to require NIL earnings to be paid evenly across sports and all athletes. Congress does not pass federal law to make sure endorsements are equally offered and paid among any other subgroups of Americans – other college students (i.e. influencers, actors), well-known and unknown actors appearing in commercials from different ethnicities/genders, or among well-known lesser known athletes from different ethnicities/genders in other professional sports. Congress should not impose such regulations exclusively in college sports. Additionally, college football and basketball players generate a disproportionate amount of college sports revenue, and the NCAA's unjust ban on direct athlete compensation disproportionately harms athletes in these sports. These athletes are predominantly Black which highlights the racial injustice in this illegal activity. It would be racially unjust for Congress to regulate NIL in a way that takes NIL pay from football and basketball players to give to other athletes.

As you mention in your question, NIL is an area where college athlete stars can earn large amounts of NIL earnings, and rightfully so. Across all professions including other professional

sports, the stars and athletes in the most popular sports earn a disproportionate amount of NIL earnings. It's also true that these stars are otherwise among the most financially exploited athletes in the country. Coaches earn millions of dollars in salary extensions and performance bonuses based to a significant degree on the talents of these stars. Yet NCAA compensation limits prevent these stars from receiving direct pay from colleges which, in turn, inflate salaries to coaches and athletic directors.

3. **It is important that we protect the health and safety of student-athletes. Injuries are very common in collegiate athletics, and some injuries recur or manifest later in an athlete's life.**
    a. **Should there be a fund to pay for medical care for former student-athletes whose injuries can be traced back to their collegiate careers, even if those injuries manifest later in life?**
    b. **If so, how should the fund be structured and what other important considerations should be kept in mind when creating such a fund?**

Answers to Questions 3a.&b.

Yes, there is great need for a fund to pay former college athletes ongoing sports-related medical expenses. One study found that approximately 50% of former Division I athletes across all sports report suffering chronic injures sustained during their college sports years. Some pay out of pocket for treatment while others forgo treatment because they can't afford it. Neither situation is acceptable.

A medical trust fund should be established and funded by high revenue conferences and associations. Current and former athletes should be formally involved in determining how the fund operates.

Former athletes should have a process to apply and be approved for reimbursements for out-of-pocket expenses not otherwise covered by their insurance. There should be an awareness program to ensure all former athletes are aware of the fund and how to apply for assistance.

The public should be able to access information on how many athletes applied for funds, qualified for funds, the amount that was spent on various categories of medical services, the amount that was spent based on demographics, and determinations on whether the fund was too little or too much relative to the need of qualifying athletes.

**Senate Committee on the Judiciary**
**Hearing on "Name, Image, and Likeness, and the Future of College Sports"**
**Written Responses to Senator Amy Klobuchar's Questions**
**By Ramogi Huma, Executive Director, National College Players Association**
**Submitted November 6, 2023**

**For Ramogi Huma, Executive Director, National College Players Association:**
**In August, the NCAA announced that starting next school year, it will allow colleges to cover athletes' healthcare for two years after leaving school and will cover injuries that occur while playing for their schools. But many injuries that athletes sustain can have long-term and even lifelong health consequences.**

- **Based on your experience working with student-athletes is there a need to ensure that student-athletes have access to long term care for injuries they suffered while playing collegiately?**

- **Do you believe that two-years after leaving school is a sufficient amount of coverage?**

There is tremendous need to college athletes to have access to long-term care for their college sports injury. One study found that approximately 50% of former Division I athletes across all sports report suffering chronic injures sustained during their college sports years. Some pay out of pocket for treatment while others forgo treatment because they cannot afford it. Former college athletes should never be stuck with college sports related medical expenses or forgoing treatment for college sports related-injuries because they cannot afford it.

While coverage for two years may be a sufficient amount of time to fully address some college sports injuries, it's not enough time for many others. The fact that 50% of former college athletes report *chronic sports injuries* provides evidence that 2 years of coverage is not enough. Anyone claiming that two years is sufficient should not oppose longer periods of coverage because, if they are correct, all injuries would have been addressed in the first two years. There would be no risk or expense in guaranteeing coverage for a longer period of time.

**Senate Committee on the Judiciary**
**Hearing on "Name, Image, and Likeness, and the Future of College Sports"**
**Written Responses to Senator Grassley's Questions**
**By Ramogi Huma, Executive Director, National College Players Association**
**Submitted November 6, 2023**

1. **Do you believe federal preemption of state laws is the best way to deal with NIL? What issues do you believe should be addressed at the federal level and what issues, if any, should be left to the states?**

It's important to keep in mind that the injustice surrounding NIL, which was that the NCAA and conferences unjustly and illegally prohibited college athletes from NIL freedoms, has already been addressed. Because of state laws, college athletes enjoy maximum NIL freedoms. They've had these freedoms for almost two and a half years and the NCAA and conferences' pre-NIL assertions that college sports would be destroyed without a federal law to ensure NIL uniformity and give the NCAA an antitrust exemption (recently re-branded as "limited liability protection") predictably did not come to pass.

The NCAA and conferences now decry that inducements have ruined college sports. They haven't. The NCAA pretends that inducements were non-existent before NIL and are a new issue that demands Congressional action. Inducements did not destroy college sports prior to NIL freedoms, and they are not destroying college sports today. It's important to unpack three aspects related to the NCAA and conferences' weak arguments.

First, the argument that reducing or eliminating athlete inducements would bring forth competitive equity is false. Federal courts have concluded multiple times that a level playing field does not exist under NCAA rules. Prior to athletes' NIL freedoms, colleges with the most revenue and wealthiest boosters have the largest recruiting budgets, hire the best coaches, build the best facilities, and in turn, they get the best recruits, win the most games, and score the richest TV deals allowing them to continue their dominance. A number of these colleges and their boosters used inducements to lure recruits to their schools. This all remains true today. College athletes shouldn't be forced to sacrifice their economic freedoms and rights so the NCAA and its colleges can *pretend* that a level playing field exists.

Second, with blinding hypocrisy, the NCAA and conferences seek unlawful powers to stamp out inducements offered to athletes in the name of competitive equity but do not seek to ban inducements (multimillion dollar salary offers) that colleges use to poach high value football and basketball coaches in order to gain competitive advantages. This is no small factor given that the average Power 5 head football and basketball coach's salary is much more than the total of amount of scholarships paid to athletes on these respective teams.

Third it's important to highlight the racially unjust aspect of this. The NCAA and conferences have no problem at all when coaches, the vast majority of whom are White, operate in an unrestricted free market (including enjoying the economic benefits of inducements/poaching) that allows them to earn the maximum amount of money. In contrast, they are lobbying

Congress to prevent football and basketball players, the majority of whom are Black, to benefit from an unrestricted free market.

The reality is that the NCAA and conferences' Congressional lobbying efforts is based on using the fear of inducements as an excuse to unjustly re-monopolize money their boosters use to gain competitive advantage. They want to regain the money flowing to players from collectives so they can use it to grant athletic admins and coaches more raises. They also seek other unjust goals of an antitrust exemption to prevent athlete revenue share from becoming a reality, and further harm college athletes by denying them equal rights under labor laws. They are using the issue of inducements as a trojan horse to make it lawful for them to treat college athletes as second-class citizens.

In terms of NIL, state NIL laws have been highly effective in granting and protecting college athletes' NIL freedoms. Congress should not pass an NIL-only law.

Congress should pass federal law that addresses vital issues regarding college athlete protections such as requiring the enforcement of safety standards to prevent serious injury, sexual abuse, death, college athletes' medical expenses, and equal treatment of athletes in women's sports. As a compromise, it would be reasonable for Congress to include NIL reforms that prohibit clear inducements if it acts on these issues. However, the NIL reforms should ensure that all is done to maximize, not undermine, college athletes' NIL freedoms. Such a bill should also ensure that a third party certifies athlete agents to help weed out bad actors and predatory practices.

2. **Who do you believe should be in charge of creating NIL guidelines, requirements and restrictions – Congress, the FTC or another third party, or the NCAA? Why?**

3. **Who do you believe should be in charge of overseeing and enforcing provisions of a new NIL law – Congress, the FTC or another third party, or the NCAA? Why?**

<u>Answers to 2&3:</u>

If Congress passes a federal law that includes NIL, it should include many freedoms and regulations directly in the law. Congress should designate a third party that is completely independent of the NCAA, conferences, and colleges to create any remaining guidelines and processes and enforce what Congress enacts. This will prevent any conflicts of interests and ensure fair enforcement.

The NCAA and its conferences should not be in charge of creating or enforcing NIL guidelines requirements or restrictions. Let's not forget that when they wielded these powers in the past, they abused them. They operated in violation of antitrust laws and cannot be trusted to have such powers. These entities have colluded to impose economically exploitative systems on college athletes and recruits. The only reason athletes have NIL and representation freedoms today is because state lawmakers outlawed NCAA sports' self-serving, monopolistic athlete NIL and representation bans. To this day, colleges use the Letter of Intent, a one-sided legal

agreement that commits athletes to a college but does not commit the college to the athletes. To this day, the NCAA, conferences, and colleges shamelessly collude to impose bans on direct athlete compensation that violate federal and state antitrust laws.

4. **What transparency requirements should be imposed upon athletes, colleges, conferences and collectives with respect to NIL agreements?**

It is not common for Americans to be forced to publicly disclose NIL deals. Any transparency requirements should be minimal and should be focused on ensuring that NIL agreements meet standards adopted by Congress. Details should be kept confidential by the enforcement entity unless a college athlete chooses to make them public.

5. **What safeguards do you believe are needed to ensure student athletes are protected from unfavorable contracts?**

Congress can directly prohibit and render void certain exploitative arrangements i.e. predatory recoupable loans camouflaged as NIL deals. Congress should also assign a third party (possibly funded through mandatory fees paid by the NCAA, high revenue conferences, and colleges) to certify athlete representatives for athletes in any sport that does not have a union of performing this function. Whether or not athletes ever form a union remains to be seen. But there will surely be athletes in various sports in different divisions that will likely never have an athlete union. These athletes need to be protected from negligent, fraudulent, and predatory representatives as well.

6. **Several bills dealing with NIL have been introduced in the House and Senate. Which bill or bills do you support? Why? Which bill or bills do you oppose? Why?**

The NCPA does not support any current bill that has been introduced in the House or Senate because they have one or more of the following… They unjustly limit college athletes' NIL freedoms, do not include broad based reform to address vital issues in adequate ways, ban college athlete revenue share or prevent states from requiring revenue share, strip college athletes of equal rights under antitrust law by giving the NCAA an antitrust exemption, or strip college athletes of equal rights under labor law by declaring that they can never be employees.

While the NCPA does not support any bill that has been introduced, it is supportive of many of the provisions in a bipartisan draft circulated by Senators Booker, Blumenthal, and Moran. There is a need for some improvements, but the draft includes solid broad based reforms, reasonable NIL parameters, and does not seek to give the NCAA an antitrust exemption, ban revenue share, or ban athlete employee status.