

**HEARING BEFORE THE UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

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Chairman Durbin, Ranking Member Graham and distinguished members of the Committee, thank you for the opportunity to be here today. Over the past seven months, I have served as the president of the NCAA, an organization that supports more than half a million student-athletes who participate in college sports every year across 90 different championships and that serves as the premier developmental stage for women's and Olympic sports. Prior to my time as the president of the NCAA, I had the privilege of serving as the 72nd Governor of Massachusetts for two terms, from 2015-2023. More notably, my wife, two of our three children and I were all beneficiaries of college sports and have firsthand experience as NCAA student-athletes.

It is no surprise to anyone here today when I share that college sports are at a time of great change and much-needed modernization. This change is largely due to the cultural, legal and financial forces that are coalescing to evolve student-athletes' needs and expectations. Given our Association's mission to provide a world-class athletics and academic experience for student-athletes, we recognize that the NCAA needs to modernize ourselves to shape a fair, fulfilling, inclusive and sustainable future for college sports.

COLLEGE SPORTS REFORMS

I want to take a moment to recognize the legislative efforts made by Sens. Booker, Blumenthal and Moran, calling attention to the importance of the health and welfare of college athletes. I also believe this is a critical topic and have worked with our membership to pass new requirements that promote the physical, mental and academic well-being of today's and tomorrow's student-athletes. I am proud to share that over the past few months, the NCAA has taken significant steps forward in our modernization efforts with the creation of a student-athlete health insurance fund. This newly established fund will provide student-athletes from *all NCAA divisions* access to health insurance for athletically related injuries up to two years after graduation. This was a priority that student-athletes themselves expressed to the NCAA consistently and one I'm proud we'll be able to meet going forward.

Additionally, our new holistic student-athlete benefits model, which was adopted unanimously by our Division I Board of Directors this spring, provides support for student-athletes in a number of new ways. In addition to post-eligibility injury insurance coverage, the holistic model now requires all Division I universities to provide degree completion funds for student-athletes during the 10 years after the conclusion of their athletics experience, expands campus-level support for mental health services for student-athletes, protects scholarships, and increases programming in areas ranging from academic counseling to financial literacy and career preparation.

LEGISLATIVE PRIORITIES

In these and other ways, college sports are thriving, and the NCAA is modernizing for the better. Since the Association passed legislation two years ago, college athletes have experienced tremendous economic opportunities to benefit from the use of their name, image and likeness. While we have all seen great positive impacts, I continue to hear from students that the patchwork of nearly 30 state laws is incredibly confusing for them to navigate and that it would be helpful to have some protections from unqualified and unaccountable actors who don't have their best interests in mind.

I recognize that I can't come to a committee like yours asking for partnership without taking the necessary steps to reform internally. During my short time on the job, the Association has taken concrete and actionable steps to modernize and address many of these issues. Just two weeks ago, the NCAA Division I Council advanced proposals on new NIL bylaws designed to enhance student-athlete protections in areas of financial literacy, standard contract terms and agent registration. In addition to the recent advancements in student-athlete health and well-being, the NCAA is also moving forward with several other reforms that aim to make college sports fairer, safer and more equitable. Since I joined the NCAA this year, we have prioritized equitable championship experiences across all sports and host locations, and I have directed national office senior leadership and staff that a continued commitment to gender equity must be at the center of everything we do. The NCAA also continues to advance commonsense changes to sports betting and marijuana testing policies.

There are some areas, however, where the scope of a national association like ours is limited, and it is in these areas that our schools, conferences and student-athletes seek your partnership. To secure future opportunities for all college athletes, regardless of sport, division or gender, and to ensure millions of Americans continue to have access to these opportunities, our academic and student-athlete leaders are eager to partner with Congress on the following priorities:

- Enhance Student-Athlete Welfare: Our bylaws currently require Division I schools provide student-athletes with guaranteed scholarships, academic support, degree completion funds, healthcare for sport-related conditions, life skills training, and access to mental health and well-being resources. We are open to working with congress to make these requirements law. Similarly, the NCAA will soon provide post-eligibility injury insurance for student-athletes across all divisions and again support making this program required by law.
- Improve NIL Outcomes for College Athletes: Our recent NIL bylaw process deals with student-athletes and disclosing certain information and offers incentives to use fair contract terms and reputable agents but we can only go so far. We want to partner with Congress to curtail NIL inducements, prevent collectives from tampering with students and to prohibit bad actors from trying to serve as agents.
- Protect Opportunity: Codify current regulatory guidance into law by granting student-athletes special status that would affirm they are not employees of an institution and allow them to receive enhanced benefits while protecting all athletic programs from one-size fits

all actions in the courts. This would create consistency across public and private institutions, protect the Olympic pipeline, and safeguard equitable, sustainable access for the more than 500,000 student-athletes, including international student-athletes and those student-athletes at under-resourced schools, most Historically Black Colleges and Universities, and all Divisions II and III schools which traditionally do not provide similar benefits.

- Protect Title IX: Bolster Title IX provisions to ensure discrimination, on the basis of gender, race, or sport, in the marketing or facilitation of NIL agreements for prospective or current college athletes is prohibited.
- Competitive Fairness and Effective Governance: Grant limited and conditional liability protection to conferences and intercollegiate associations so they can set reasonable competition standards and enforce student-athlete health and well-being requirements and other provisions for all schools with direction from Congress.

I am grateful to many of you on this committee who have already put thoughtful consideration into this topic and what a legislative solution could look like. Senator Cruz has effectively addressed these areas in his proposal, and Senators Booker and Blumenthal put forward several thoughtful approaches to protecting student-athletes in their draft, including in Section 4 of their bill, which gives student-athletes the ability to rescind their contracts if they are no longer participating in college sports. I believe together we can craft a solution that accomplishes all of these goals without putting the federal government into the position of having to administer college sports – an outcome just about everyone I have talked to in Congress shares.

CONGRESSIONAL PARTNERSHIP

College sports are a uniquely powerful and beloved institution. College sports matter to communities and to your constituents. Specifically, college sports serve as a critical developmental tool for the future leaders of this country. They generate \$3.8 billion in scholarships annually, serve as the premier stage for many women's sports, support local economies and bring communities together to thrill millions of fans. Simply put, college sports provide 500,000 young men and women with a pathway to obtain an education and chase their athletic dreams simultaneously.

I recognize Congress has a number of pressing issues to tackle, so thank you for the opportunity to talk with you about this important topic. I would also like to take this opportunity to thank those Members of Congress, including many on this committee, who are working to find bipartisan solutions to just these issues. I believe the NCAA is taking the right steps to improve outcomes for student-athletes, and we look forward to working with each of you to ensure opportunities for college athletes continue today and for years to come.