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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

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May 5, 2014

Mr. Mark Emmert
President
National Collegiate Athletic Association
700 W. Washington Street
P.O. Box 6222
Indianapolis, Indiana 46206

Dear Mr. Emmert:

Thank you for your November 22, 2013 response to Chairmen Rockefeller and McCaskill. While it sheds some light on current policies and practices related to student-athletes, it also leaves us with the impression that the National Collegiate Athletic Association (NCAA), an organization founded specifically to protect student-athletes from exploitation, in fact defers to member institutions on most matters potentially leaving student-athletes vulnerable to the very abuses the NCAA was created to protect against.

As college athletics generate growing revenue and publicity with each passing year for colleges and universities, the NCAA, and sponsors, the potential for exploitation and abuse of student-athletes has never been greater. In turn, the need for an organization dedicated to protecting student-athletes is more important than ever.

Last month, the Chicago Regional Office of the National Labor Relations Board (NLRB) determined that football players at Northwestern University are employees and can move forward with a union election. The NLRB regional office found that the student-athletes meet minimum standards to qualify as university employees due to the compensation they receive in the form of scholarships, the time they devote to college athletics, and the control exerted over them by the university and coaches.

In expressing your opposition to the unionization effort, you were recently quoted as saying the effort is "a grossly inappropriate solution to the problems" that exist in college athletics. However, if the NCAA were accomplishing its mission of protecting student-athletes from exploitive practices those efforts would be unnecessary and likely unsuccessful.

The Senate Committee on Commerce, Science, and Transportation and its Subcommittee on Consumer Protection, Product Safety, and Insurance have jurisdiction over sports. As members of the Committee and Subcommittee we are concerned with the vitality and integrity of amateur sports and the welfare of student-athletes. In particular, we are concerned that insufficient

oversight exists to ensure that the NCAA and its member institutions are taking adequate steps to protect student-athletes from exploitation. To help us better understand the operation and role of the NCAA, as well as the protections the NCAA and its member institutions provide student-athletes, we request you provide us with the following information:

1. Copies of all current NCAA rules, regulations, and guidance applicable to member institutions or student-athletes regarding the conditions and restrictions on athletic scholarships.
2. Copies of all current NCAA rules, regulations, and guidance applicable to member institutions or student-athletes regarding eligibility of institutions and individual athletes to compete in NCAA activities.
3. Copies of all current NCAA rules, regulations, and guidance applicable to member institutions or student athletes regarding employment and/or income restrictions for student-athletes.
4. Copies of all current NCAA rules, regulations, and guidance applicable to member institutions regarding private and corporate donations to athletic programs.
5. Copies of all current NCAA policies related to enforcement of its rules, regulations, and guidance applicable to member institutions or student-athletes.
6. A summary of each disciplinary or enforcement action taken by the NCAA against a member institution or student-athlete since January 1, 2012.
7. A summary of each lawsuit or settlement between the NCAA and student-athletes since January 1, 2012.
8. Copies of all current NCAA policies related to financial transparency and reporting for member institutions.
9. Copies of all current NCAA policies related to the organization's use of a student-athletes' likeness or identifying information/characteristics (e.g. jersey number or performance statistics) for profit.
10. Copies of all current agreements to which the NCAA is a party regarding the transmission rights to NCAA content.

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Thank you for your prompt attention to this matter. We look forward to working with you to protect our country's student-athletes and to ensure our commitment to education through athletics. If you have any questions, please contact Christian Tamotsu Fjeld on Senator Rockefeller's Committee staff at 202-224-1270, Nick Choate of Senator McCaskill's staff at 202-224-6154, or Matt Klapper of Senator Booker's staff at 202-224-3224.

Sincerely,



John D. Rockefeller IV
Chairman
Committee on Commerce,
Science, and Transportation



Claire McCaskill
Chairman
Subcommittee on Consumer Protection,
Product Safety, and Insurance



Cory Booker
Member
Committee on Commerce,
Science, and Transportation