



PO Box 6917
Norco, CA 92860

951-898-0985
info@ncpanow.org
www.ncpanow.org
Twitter: @NCPANOW
Facebook: facebook.com/NCPANOW

February 7, 2020

Dear Chairman Wicker and members of the US Senate Committee on Commerce, Science, and Transportation's Subcommittee on Manufacturing, Trade, and Consumer Protection,

Thank you very much for inviting me to participate in the "Name, Image, and Likeness: The State of Intercollegiate Athlete Compensation," on Tuesday, February 11, 2020. This discussion encompasses important economic rights and freedoms that college athletes should be afforded. The National College Players Association (NCPA) is a co-sponsor of California SB 206 known as The Fair Pay to Play Act and is providing information and support to 14 of an estimated 28 states pursuing similar legislation.

For my written testimony, please accept this letter, an updated version of a white paper that I authored entitled, "Name, Image, and Likeness: The Player's Plan for Economic Liberty and Rights", and a report from the office of Senator Murphy entitled, "Madness Inc.: How everyone is getting rich off college sports – except the players" to be entered into the record as my written testimony.

Some of the key college athlete advocacy positions presented in the white paper include the following:

- Federal action to advance college athletes' economic freedoms and rights being pursued by the states would be helpful, but Congressional action to eliminate such protections would harm college athletes nationwide.
- Athletic associations, conferences, and colleges should not be permitted to represent college athlete name, image, and likeness (NIL) in agreements with third parties.
- Congress should not designate an entity to control college athlete group licensing, or college athlete representation standards, which states are capable of establishing.
- Federal action prohibiting colleges from arranging athlete NIL compensation opportunities, and 3rd party NIL offers to induce recruits and college athlete transfers to attend a particular college would be reasonable.
- Competitive equity does not exist under current NCAA rules and college athlete economic opportunities should not be sacrificed to pretend it does.

Thank you again for the opportunity to participate and I am committed to working with you in any continuing discussions on this issue and other issues concerning college athletes' well-being.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ramogi Huma', is enclosed in a thin black rectangular border.

Ramogi Huma
NCPA Executive Director



Name, Image, and Likeness: The Players' Plan for Economic Liberty and Rights

National College Players Association

Author: Ramogi Huma, Executive Director

February 7, 2020

Overwhelming Support for College Athlete NIL Pay

California made history when it approved SB 206, legislation that will allow California college athletes the right to secure legal and professional representation as well as earn compensation for use of their name, image, and likeness (NIL) beginning on January 1, 2023. The bill was voted into law with unanimous bipartisan support: 73-0 in the Assembly and 39-0 in the Senate.

The National College Players Association (NCPA) was a co-sponsor of SB 206 and is working with thirteen states of the estimated twenty states that are pursuing similar legislation at the time of this writing. Lawmakers in these states express sincere opposition to the NCAA's prohibition on such rights due to the harm it inflicts on athletes in their states.

Florida state lawmaker Representative Chip LaMarca who introduced a college athlete NIL stated, "Not allowing college athletes to participate in the same free market opportunities that drive our institutions runs counter to the American principles of free enterprise and equal rights."

Missouri state Representative Nick Schroer (R) introduced similar legislation and stated, "The NCAA has long banned student athletes from obtaining compensation from their own name and likeness. This ban violates every capitalistic principle of free markets which has made this country exactly what it is today. While student athletes are barred from making money off of their image and likeness, the NCAA continues to cash in as they siphon money away from the very student athletes the organization should be protecting."¹

After introducing a Pennsylvania NIL compensation bill, state lawmaker Dan Miller (D) said, "Athletes are forced to give up their rights and economic freedom while the colleges make hundreds of millions of dollars off of their talent and likeness. This bill would help to balance the scales..."²

In addition, there is bipartisan interest in federal college athlete NIL legislation among members of the United States Senate and House of Representatives.

US Senator Mitt Romney (R): "We're coming to help these young athletes in the future, and the athletes of today, make sure that they don't have to sacrifice their time and sacrifice, in many cases, their bodies without being fairly compensated."³

US Senator Chris Murphy (D): "College athletes are being used as commodities to make money for the NCAA, colleges and corporations, while not being compensated for the work they do, nor given the appropriate health care and academic opportunities they deserve."⁴

¹ https://www.stltoday.com/news/local/education/anger-with-ncaa-could-speed-measure-to-pay-missouri-college/article_2da211ed-3d06-5bd5-a96b-d13b0467b3db.html

² <https://www.cbsnews.com/news/fair-pay-to-play-act-pennsylvania-lawmakers-seek-compensation-college-student-athletes-2019-10-01/>

³ <https://www.sportingnews.com/us/ncaa-basketball/news/mitt-romney-warns-ncaa-about-compensating-athletes-were-coming-for-you/mguqknsv5e3o1p19p3dtwi8ut>

Congressman Mark Walker (R): “Signing on with a university, if you’re a student-athlete, should not be (a) moratorium on your rights as an individual. This is the time and the moment to be able to push back and defend the rights of these young adults.”⁵

The NCPA is engaging in talks with various members of Congress to help ensure any federal legislation advances these protections nationwide without rolling back provisions sought by states.

Finally, polls show that 66% of Americans⁶ and 80% of regular students⁷ support allowing college athletes the ability to earn compensation for use of their NIL. Also, 52% of Americans support providing college athletes a share of millions of dollars in TV revenue generated by football and basketball players. While the NCAA opposes such legislation, it also ranks among institutions with the lowest public approval – only 14% of Americans have a favorable opinion of the NCAA and its colleges.⁶

Declarations

1. College athletes’ talents, time, and physical sacrifices are central to fueling a highly commercialized, \$14 billion per year industry that pays coaches and administrators multimillion salaries and allows apparel companies to spend millions of dollars to require college athletes to advertise their logos on their bodies.
2. The commercial use of college athletes’ NIL rights is not necessary to field school-based athletics and non-revenue sports; it is an optional, lucrative activity for which athletes should have the freedom to be fairly compensated by 3rd parties.
 - a. If large commercial revenues were *required* for colleges to field athletic programs and their nonrevenue sports, NCAA Division II and III would not exist.
3. College athletes should have the same economic liberties and rights afforded to other students and Americans.
4. The NCAA’s athlete NIL compensation ban infringes upon college athletes’ 1st Amendment Rights. The NCAA prohibits college athletes from receiving compensation for engaging in highly protected forms of speech on their own time such as religious or creative expression.
 - a. The NCAA would punish a player receiving compensation for giving a speech or writing about his or her experience as a Christian college athlete. There are many players who are members of The Fellowship of Christian athletes and other organizations who are not allowed to pursue such opportunities.

⁴ <https://www.athleticbusiness.com/college/senator-s-report-calls-for-ncaa-to-overhaul-its-health-care.html>

⁵ <https://www.si.com/college/2019/03/07/ncaa-student-athletes-profit-name-use-bill-introduced-mark-walker>

⁶ <https://apnews.com/3ab2b10f53e2c7f6a16b25ccaf49eb1a>

⁷ <https://collegepulse.com/2019/09/college-students-say-the-ncaa-takes-advantage-of-athletes.html>

- b. Central Florida football player Donald De La Haye lost his NCAA eligibility for receiving compensation from his YouTube channel.⁸
5. NCAA rules prohibiting college athlete compensation for use of NIL rights do not bring forth competitive equity and do not justify denying college athletes equal rights and economic freedom.
 - a. After six years of deliberations in *O'Bannon v. NCAA*, federal courts determined that the NCAA's prohibition of players' NIL compensation did not foster competitive equity because various colleges have numerous other competitive advantages and disadvantages that the NCAA permits (recruiting budgets, quality of coaches/facilities, etc.)
6. Allowing successful female athletes (i.e. Olympians) to enter into commercial activities can raise the profile, popularity, and value of women's college sports.
7. The NCAA, athletic conferences, and their member colleges should not be allowed to represent college athletes in NIL commercial agreements. These entities have a conflict of interest and they are currently taking advantage of such powers. The NCAA has stated publicly that it wants the US Congress to grant it the ability to represent players' group licensing rights, yet this conflicted, forced athlete representation is among the injustices that states are seeking to eradicate.^{9 10} It is not necessary for the government to appoint a college group licensing entity, but if it did, it should not be the NCAA, conferences, or colleges.
 - a. NCAA sports has been a bad actor in this area. NCAA rules restricting college athlete compensation have been ruled illegal multiple times in federal courts (*O'Bannon v. NCAA & Alston v. NCAA*) and have harmed countless college athletes.
 - b. The *O'Bannon v. NCAA* ruling found that the NCAA, conferences, and schools sell valuable players group licensing rights to 3rd parties but give players \$0 in return.
 - c. The NCAA chose to end the popular EA sports video games rather than allow college athletes, whose NILs were used in the games, to receive any portion of revenue.
8. College athletes' NIL representation should not be nationalized/operated by the government.
9. Sports agents, financial advisors, and other individuals and entities facilitating college athlete compensation for use of their name, image, or likeness rights and athletics reputation should be subject to standards to help prevent fraudulent and negligent activity that can harm college athletes.
10. The NCAA, athletic conferences, and their member institutions should not govern certification of college athlete representation.
 - a. College athletes must have representation certified by an entity that does not have a conflict of interest. College athlete representation must have the freedom and qualifications to represent college athletes in negotiations with 3rd parties as well as during any NIL rights disputes with colleges, conferences, and the NCAA.
 - b. The NCAA has demonstrated ongoing opposition and poor judgment regarding college athlete representation. For instance, it denies all female athletes the ability to secure a sports agent while giving this right to select men's basketball players.
11. College athletes should receive financial skills development.
 - a. While NCAA sports leaders point to a lack of college athletes' financial skills as a reason to deny athletes economic freedom, but NCAA sports is responsible for failing to use its robust

⁸ <https://www.latimes.com/sports/more/la-sp-ucf-kicker-ineligible-youtube-20170801-story.html>

⁹ <https://www.aspeninstitute.org/events/future-of-college-sports-governments-role-in-athlete-pay/>

¹⁰ <https://www.usatoday.com/story/sports/ncaaf/2019/12/17/ncaas-mark-emmert-meets-mitt-romney-chris-murphy-reform/2675473001/>

educational infrastructure and some of its commercial revenue to address any lack of financial development skills among athletes.

12. NIL college athlete compensation should not be locked in a trust fund but, if it was, the NCAA, athletic conferences, and their colleges should not administer it.
 - a. The NCAA did a poor job of administering the 2008 *White v. NCAA* antitrust settlement that was supposed to provide \$10 million to players to complete their degree and continue their education. It did not do enough to inform players of available funds and returned \$4.3 million dollars in unused funds to its colleges.¹¹

Group Licensing

In addition to individual commercial opportunities that can benefit an individual athlete, group licensing would provide even revenue distributions among each athlete on each team or set of teams included in a group license. When it comes to group licenses, each player is equally valuable. For instance, a star quarterback cannot participate in a televised game and would have virtually no value to a sports videogame maker if his teammates – including backups who standby to fill in for injured and tired starters, did not participate. For this reason, each individual in the group is equally valuable.

Federal court antitrust rulings recognize that a group licensing market for college athletes' NIL rights exists and declared the following:

1. NCAA's prohibition on athlete name, image, and likeness compensation violated federal antitrust law and deprives college athletes of compensation that they would otherwise receive.
2. If the NCAA did not have a prohibition on athlete compensation for use of their name, image, and likeness, athletes would be able to create and sell group licenses;
3. 3rd parties purchase groups of athletes' name, image, and likeness rights for commercial purposes including for use in live game telecasts, sports video games, game rebroadcasts, advertisements, and other archival footage to ensure they have the legal right to use every athlete in a group of athletes.¹²

California SB 206 and other similar legislation will allow players to secure representation to create, bundle, and sell group licenses. College athletes should be informed and empowered to make decisions regarding group licensing distributions.

Title IX & Athlete Representation Certification

College athlete NIL compensation from 3rd parties is not subject to Title IX.

¹¹<http://www.ncaa.org/about/resources/media-center/news/six-schools-selected-grant-program-pilot>

¹² *O'Bannon v. Nat'l Collegiate Athletic Ass'n*, 802 F.3d 1049 (9th. Cir. 2015)

The NCAA's policy to allow men's basketball players to sign with sports agents while denying female athletes the same rights sets up NCAA colleges for possible violations of Title IX and the 14th Amendment's Equal Protection Clause.¹³

There is a reasonable desire to have standards for college athlete representation. Such standards can help protect college athletes against fraudulent and negligent activity. Inadequate representation can also lead to the loss of college athletes' eligibility.

For instance, there are questions surrounding a new online platform that allows fans to incentivize recruits to play for a particular college. Fans are allowed to pledge money by position and college. The platform, StudentPlayer.com, claims it has already raised \$100,000 from both named and anonymous donors to make offers to 800 athletes at 42 different colleges. It states that such activity is made legal due to emerging state legislation. However, no such state legislation is currently in effect, and some states like California have laws that likely prohibit such activity. The NCAA may punish a recruit if he or she publicly indicates such inducements as a factor in selecting a college team. Many states already have standards for athlete agents and are capable of addressing this area.

Employee Status

The NCAA argument that 3rd party college athlete NIL compensation will change players' employee status and lead to unionization is false. Such NIL payments would not come from the colleges and, therefore, would not be a factor in considering employee status of college athletes. If the NCAA were correct, bipartisan support for college athlete NIL compensation would not be taking place among states and in Congress.

State Legislative Reform Model Summary

(See Attachment 1 for The NCPA's Model State Legislation)

- Allow college athletes to receive NIL compensation from 3rd parties.
- Allow college athletes to secure professional and legal representation.
- Avoid language prohibiting NCAA and conference punishments. The NCAA has signaled it will use that language to pursue a legal challenge based on the Dormant Commerce Clause. While such a legal challenge would be weak, it could delay justice for college athletes and unnecessarily tax states' Attorneys General resources. States can enforce their own state antitrust laws to protect their players and colleges from NCAA group boycotts and other illegal cartel punishments. States may want to include their athlete NIL legislation under their antitrust law for this reason. In addition, and most importantly, it will not be practical for the NCAA to expel so many colleges from the numerous states that are likely to adopt similar laws.
- July 1, 2020 effective date

¹³ <https://www.si.com/college/2018/08/09/ncaa-agents-student-athlete-one-and-done-nba-draft>

- *States should leave out language regarding conference and athletic association penalties. The vast number of states pursuing similar legislation makes clear that such penalties against large numbers of colleges are unrealistic.

Limits of State Legislation

Some have expressed a desire to try to make college athlete compensation more equal. Any restriction on an individual athlete's NIL compensation would be unjust since other students, citizens, and athletes in other multibillion-dollar sports industries are not subject to such limits. It could also put that state's colleges at a competitive disadvantage.

Contrary to NCAA assertions, state NIL laws will not destroy college sports. The NCAA claims it is complicated to find a way to enact NIL compensation without allowing certain colleges an advantage over others. This is a smokescreen since such advantages and disadvantages exist under current NCAA rules. For instance, the SEC's television contract is much higher than "Group of 5" conferences' television contracts. This allows the SEC to maintain a much larger recruiting budget, hire better coaches, and build top of the line facilities. In turn, these advantages allow SEC colleges to secure the best football recruits, win the most games, and position itself for even higher television contracts in the future.

Federal Legislative Reform

Federal reform that advances college athletes' freedoms and rights being pursued by many states would represent positive reform, but Congressional action to eliminate these college athlete protections would undermine states' rights and harm all college athletes. It is not necessary for Congress to get involved but, if it does, it should do so in a way that does not cement unjust and exploitative NCAA rules into law.

The NCPA's federal reform model would be similar NCPA's State Model Legislation with the following additional provision and considerations:

Additional Provision:

1. Congress should void all current NCAA punishments and investigations related to college athlete compensation and financial extra benefits. NCAA economic rules leave many college athletes desperate and vulnerable. Players, coaches, and colleges should not be punished for violating unjust and illegal NCAA rules – many of which would be eliminated upon the implementation of athlete NIL compensation legislation.

Considerations:

1. If Congress is truly looking for ways to make college sports "more equal", it would be remiss in not considering equal media rights revenue sharing across all colleges themselves. The NCPA is neutral on this, but notions of fairness should not be used to limit players' ability to receive NIL compensation. Perhaps a more powerful action would be for colleges to follow revenue sharing models of other multibillion sports leagues such as the NFL.

2. Congress should not buy into NCAA rhetoric and limit college athlete NIL compensation. Other multibillion sports leagues have no such limits and function just fine.
3. Federal legislation attempting to prohibit college boosters from arranging NIL endorsements for current college athletes in hopes of making college sports more equal would be seriously flawed. Booster donations are currently used by colleges to pursue an advantage by luring the best recruits via enhanced recruiting budgets, hiring better coaches, building flashy facilities, etc. A booster ban would inflict economic harm to college athletes and do nothing to make recruiting more equal since booster donations would continue to provide some colleges advantages over others. Federal legislation hoping to neutralize boosters' affect on competitive balance would have to ban all booster donations to colleges, a proposition for which no stakeholder has voiced support.

Alternatively, federal legislation could take a more reasonable approach by prohibiting NIL opportunities explicitly aimed at recruits as inducements to attend a particular college. Prohibiting colleges from coordinating 3rd party NIL opportunities for their athletes could also be a more measured approach. That provision would be similar to other sports leagues that do not allow teams to coordinate player endorsement deals as a way to circumvent the salary cap. Notably, these leagues do not attempt to prevent players from entering endorsement deals with local businesses run by fans of the player's team. These industries operate just fine, and these leagues are not seeking federal legislation attempting to stop this practice due to any perceived or actual advantage or disadvantage this may give any team.

A Federal NIL Trust Fund

Some have expressed an interest in holding college athletes' NIL compensation in a trust fund until their eligibility expires. The NCPA does not support compensation being held in this way because it would continue the economic hardships college athletes face during the duration of their college career. Additionally, college athletes would be more susceptible to turning to high interest credit cards and high interest loans to pay for expenses throughout college. In short, they would likely take out loans against what they hoped to eventually receive in a future NIL trust distribution. Tying up college athletes' compensation in a trust would be a significant disadvantage to a state since California and (most likely) other states would have no such limitation. However, it would be viable via federal legislation.

Any NIL trust fund established by federal legislation should hold only a small portion of NIL revenue. For instance, California, Louisiana, New Mexico, and New York laws protecting child entertainers from being taken advantage of by their guardians require only 15% of their gross earnings to be placed into a blocked trust account.¹⁴ It should be noted that these entertainers gain access to these accounts upon turning 18 years old, and virtually all college athletes are at least 18 years old. The NCPA believes young adults should be empowered to properly handle their earnings through financial skills development rather than receiving a delayed payment. However, if federal legislation requiring a trust fund is enacted, college athletes should be allowed to generate interest via investments (i.e. stock market) to earn more revenue.

¹⁴ <https://www.sagaftra.org/membership-benefits/young-performers/coogan-law>

Summary

NCAA sports imposes second-class citizenship on college athletes in its pursuit to monopolize all commercial dollars generated from college athletes' NIL rights. NCAA colleges are complicit since they collectively adopt and maintain NCAA rules. The NCAA and its colleges are making a mockery of federal and state antitrust laws meant to protect free enterprise and have shown a disregard for players' 1st Amendment rights.

As the NCAA and its colleges fight to keep the status quo by lobbying state and federal lawmakers and putting out vague media statements with empty promises, two questions should be asked persistently. Why should those who break laws be allowed to design new laws? Why should those who victimize college athletes be appointed stewards of college athlete well-being?

The NCAA and its colleges' assertion that college athlete NIL reform has been too complicated to address is further evidence that they are both unwilling and ill-equipped to do so. Reform is not too complicated to achieve, and justice for college athletes should not be delayed any longer.

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Attachment 1

Model Legislation - Name, Image, Likeness Pay

SECTION 1. Declarations

1. The Legislature seeks to help ensure college athletes have equal rights and economic freedoms afforded to all students and residents in the state of _____.
2. The Legislature recognizes the disproportionate negative impact that economic and legal restrictions have on African American and female college athletes.
3. The commercial exploitation of college athletes' name, image, and likeness rights is not required for school-based athletics; it is an optional, lucrative activity for which athletes should be fairly compensated by 3rd parties.
4. College sports is a \$14 billion dollar industry with millionaire coaches and lucrative apparel deals that require college athletes to advertise for commercial interests.
5. Rules prohibiting college athlete compensation for use of name, image, and likeness rights, or athletics reputation do not bring forth competitive equity and cannot justify denying college athletes equal rights and economic freedom.
6. State legislatures have adopted or are pursuing legislation, to grant college athletes the right to secure professional representation, which includes their own group licensing representation; and the right to earn compensation for use of their name, image, and likeness beginning as early as July 1, 2020.
7. Federal court rulings recognize that a group licensing market for college athletes' name, image, and likeness rights exists and declared the following:
 - a. The NCAA, conferences, and schools sell valuable players group licensing rights to 3rd parties, but give players \$0 in return.
 - b. NCAA's prohibition on athlete name, image, and likeness compensation violated federal antitrust law and deprives college athletes of compensation that they would otherwise receive.
 - c. If the NCAA did not have a prohibition on athlete compensation for use of their name, image, and likeness, athletes would be able to create and sell group licenses;
 - d. 3rd parties purchase groups of athletes' name, image, and likeness rights for commercial purposes including for use in live game telecasts, sports video games, game rebroadcasts, advertisements, and other archival footage to ensure they have the legal right to use every athlete in a group of athletes.
8. Sports agents, financial advisors, and individuals and entities facilitating college athlete compensation for use of their name, image, or likeness rights and athletics reputation should be subject to certification standards to help prevent fraudulent and negligent activity that can harm college athletes.
9. College athletes' representation should be independent from athletics associations, athletic conferences, and colleges to avoid a conflict of interest.

SECTION 2. Definitions

“Athlete” means an individual that participates or participated in intercollegiate sport for a postsecondary educational institution located in the state. An individual’s participation in a college intramural sport or in a professional sport outside of intercollegiate athletics does not apply.

“Athletic association” means an entity with athletics governance authority and is comprised of postsecondary educational institutions and athletic conferences.

“Athletic conference” means an entity and/or a collaboration of entities such as the autonomy conferences that has/have athletics governance authority, is a member of an athletic association, and has members comprised of and/or competes against postsecondary educational institutions.

“Certification” means the process of developing enforcing professional and legal policies and practices.

“Group” means three or more athletes from the same sport.

“Group licensing” means an agreement or agreements to allow a 3rd party the right to use the name, image, and likeness rights and athletic reputation of a group of athletes.

“Postsecondary educational institution” means any campus of a public or a private postsecondary educational institution.

“3rd party” means any individual or entity other than a postsecondary educational institution, athletic conference, or athletic association.

SECTION 3. Resolution

The state of _____ requests that any federal legislation regarding this act respect and permit _____ college athletes' rights, protections, and other provisions included in this legislation.

SECTION 4. Legislation

Part A.

1. A postsecondary educational institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student’s name, image, or likeness rights, or athletic reputation. Earning compensation from the use of a student’s name, image, or likeness rights, or athletic reputation shall not affect a student’s grant-in-aid or stipend eligibility, amount, duration, or renewal

2. For purposes of this section, a grant-in aid and/or a stipend from a postsecondary educational institution in which a student is enrolled is not compensation for use of a student's name, image, and likeness rights, or athletic reputation; and a grant-in-aid or stipend shall not be revoked or reduced as a result of a student earning compensation pursuant to this section.

3. A postsecondary educational institution shall not interfere with or prevent a _____ student from fully participating in intercollegiate athletics for obtaining representation unaffiliated with a postsecondary educational institution or its partners in relation to contracts or legal matters, including, but not limited to athlete agents, financial advisors, or legal representation provided by attorneys.

4. A college athlete shall not enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, or likeness rights, or athletic reputation which requires a student to display a sponsor's apparel, equipment, or beverage or otherwise advertises for the sponsor during official team activities if such provisions are in conflict with a provision of the athlete's team contract.

5. A team contract of a postsecondary educational institution's athletic program shall not prevent a college athlete from receiving compensation for using the athlete's name, image, or likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official, mandatory team activities that are recorded in writing and made publicly available. Such team activities may not exceed up to 20 hours per week during the season and up to 8 hours per week during the off-season.

6. An athlete with remaining intercollegiate athletics eligibility who enters into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness rights, or athletics reputation shall disclose the full contract to an official of the institution who is designated by the institution. The institution and its designated official shall not disclose terms of an athlete's contract that the athlete and/or the athlete's legal representation deems to be a trade secret and/or non-disclosable.

7. An institution asserting a conflict described in Part A. 6. shall disclose to the athlete and the athlete's legal representation, if applicable, the full contract they assert to be in conflict. The college athlete and/or the college athlete's legal representative shall not disclose terms of an institution's contract that the institution deems to be a trade secret and/or non-disclosable.

Part B.

1. Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of a college athlete's name, image, and likeness must conduct a financial development program of up to 15 hours in duration once per year.

a. The financial development program cannot include any marketing, advertising, referral, or solicitation by providers of financial products or services.

2. Athlete attorney representation shall be by persons licensed by the state.

Part C.

1. This legislation shall apply only to contracts entered into, modified, or renewed on or after the enactment of this section.
2. Athletes have the right to pursue private action against 3rd parties who violate this act through superior court, through a civil action for injunctive relief or money damages, or both.
 - a. The court shall award court costs and reasonable reimbursement for attorneys' fees to the prevailing plaintiffs in an action brought against a violator of this legislation.
3. Athletes and state or local prosecutors seeking to prosecute violators shall not be deprived of any protections provided under _____ law with respect to a controversy that arises in _____; shall have the right to adjudication in _____ a claim that arises in _____.
4. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
5. Legal settlements cannot permit noncompliance with this act.
6. This chapter shall apply to any applicable agreement or contract newly entered into, renewed, modified, or extended on or after July 1, 2020. Such agreements or contracts include but are not limited to the National Letter of Intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

******States may want to make clear that violations of this legislation is a per se violation of their state antitrust law and should consider granting the Attorney General some discretion for penalties.***