

May 7, 2020

Name
Title
Institution
Address Line 1
Address Line 2

Dear XXXX:

College athletics play an important role in the life of our nation. They offer unique benefits not just to fans and observers, but to the student-athletes who are given an opportunity to pursue greatness both in sports and in the classroom. Currently there is a debate underway over whether student-athletes should receive compensation for the use of their name, image, or likeness in commercial products, and if such compensation can be given without altering the amateur character of college athletics.

Many states have begun taking legislative steps to address this issue. More than 30 states have now adopted, introduced, or signaled plans to introduce some form of legislation allowing student-athletes to profit from the commercial use of their name, image, or likeness.¹ The high number of varied state actions has led some to argue that there is a need for one nationwide standard.

Pursuant to Rule XXV of the Standing Rules of the Senate, the Senate Committee on Commerce, Science, and Transportation has legislative and oversight jurisdiction over matters related to interstate commerce generally and sports in particular.² As such, the committee seeks to gain a better understanding of the current system for compensating student-athletes and to hear a range of perspectives on this complex issue.

To assist the committee in this important effort, it would be helpful if you could take the time to provide responses to the following questions:

¹ Roshaun Colvin & Joshua Jansa, *California's 'Fair Pay to play' law for college athletes has other states racing to join up. Here's why*, Wash. Post, November 18, 2019, <https://www.washingtonpost.com/politics/2019/11/18/californias-fair-pay-play-law-college-athletes-has-other-states-racing-join-up-heres-why/>.

² S. Comm. on Rules & Admin., Standing Rules of the Senate, Rule XXV(f)(i).

- 1) What is the current structure for how student-athletes receive financial support or compensation for their athletic ability? For example: scholarships, clothing, food, per diem, and housing.
- 2) Do certain student-athletes or sports teams receive more in financial support or compensation based on their athletic ability or performance potential? If so, how is that financial support or compensation determined for each sports team?
- 3) Does a student-athlete receive more in financial assistance from the university if his or her name, image, and likeness (NIL) is more profitable for the school and athletic department? If so, how is that financial assistance determined?
- 4) Do the different athletic programs consider internally whether or not a prospective student-athlete will have a higher NIL worth during the recruitment process? If so, please describe how this is evaluated and determined.
- 5) When making admissions decisions, does your institution consider how a prospective student-athlete would benefit the program financially?
- 6) What, if any, role should NIL have in the recruitment process?
- 7) Across the United States, there has been a major increase in state laws and proposals that deal with compensating student-athletes for their name, image, and likeness. Please share your [institution, program, or council] views on the impact of these state laws and proposals on collegiate sports, including non-revenue generating sports.
- 8) How would a patchwork of different state laws regarding this issue affect your [membership or student athletes]?
- 9) Does your [institution, association, or program] believe there is a need for a federal, nationwide standard?
- 10) Have you already engaged your [membership or student-athletes] on NIL issues? If so, please share the feedback you received.
- 11) Does your [institution, association, or council] support efforts to modernize rules to compensate student-athletes for the use of their name, image, and likeness?
- 12) Please outline your [institution, association, or council] views on third-party compensation for the use of a student-athlete's name, image, or likeness, and recommendations on how third-party compensation could be addressed in federal legislation on NIL.

- 13) Please describe how your [institution, association, or council] views the impact of NIL on Title IX.
- 14) Please describe how NIL may impact amateurism in collegiate sports.
- 15) Does your [institution, association, or council] consist of any student-athletes that also compete or have competed in the Olympics? Do current rules governing the provision of financial support or compensation to a student-athlete change if that athlete is also a former or current Olympian? If so, please outline the current rules governing the provision of financial support or compensation to student-athletes that are also former or current Olympians.
- 16) Do the NIL rules differ for student-athletes that are former or current Olympians?
- 17) To what extent has your [institution, association, or council] consulted or engaged with professional leagues or the U.S. Olympic and Paralympic Committee on financial support or compensation to student-athletes?
- 18) To what extent has your [institution, association, or council] consulted or engaged with professional leagues or the U.S. Olympic and Paralympic Committee on student-athletes' use of their name, image, and likeness?
- 19) Who or what would be the appropriate enforcement authority in any federal legislation governing NIL in collegiate sports?
- 20) Please provide your perspective on the recommendations included in the NCAA Board of Governors Federal and State Legislation Working Group report issued on April 28, 2020.

I realize it may be time-consuming to reply to this letter. If you could provide written responses by June 5, 2020, it would be much appreciated. If you have any questions, please contact Olivia Trusty of the committee staff at (202) 224-1251. Thank you for your attention to this important matter.

Sincerely,

Roger F. Wicker
Chairman