

AMY KLOBUCHAR, MINNESOTA
RICHARD BLUMENTHAL, CONNECTICUT
BRIAN SCHATZ, HAWAII
EDWARD MARKEY, MASSACHUSETTS
GARY PETERS, MICHIGAN
TAMMY BALDWIN, WISCONSIN
TAMMY DUCKWORTH, ILLINOIS
JON TESTER, MONTANA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA
BETHRAY LUIJAN, NEW MEXICO
JOHN HICKENLOOPER, COLORADO
RAPHAEL WARNOCK, GEORGIA

ROGER WICKER, MISSISSIPPI
JOHN THUNE, SOUTH DAKOTA
ROY BLUNT, MISSOURI
TED CRUZ, TEXAS
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
DAN SULLIVAN, ALASKA
MARSHA BLACKBURN, TENNESSEE
TODD YOUNG, INDIANA
MIKE LEE, UTAH
RON JOHNSON, WISCONSIN
SHELLEY MOORE CAPITO, WEST VIRGINIA
RICK SCOTT, FLORIDA
CYNTHIA LUMMIS, WYOMING

DAVID STRICKLAND, MAJORITY STAFF DIRECTOR
JOHN KEAST, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

March 28, 2022

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

Dear Dr. Emmert:

Questions and concerns continue to be raised regarding the NCAA's oversight of student-athletes' ability to monetize their name, image, and likeness (NIL). On June 23, 2021, following the Supreme Court's decision in *NCAA v. Alston*, the NCAA released a memo to member institutions stating "permanent NIL rule changes by July 1 are unlikely due to the legal environment." The memo suggested that interim NIL policies be adopted until federal legislation or permanent NCAA rules could be approved. The Division I Council voted on June 28, 2021, recommending that the Board of Directors suspend amateurism rules related to NIL and adopt an NIL interim policy. On June 30, 2021, the NCAA Board of Governors voted to adopt the interim NIL policy allowing student-athletes to monetize their NIL.

Over the ensuing 9 months, the NIL landscape has continued to evolve. Universities have established their own guidelines, states have passed laws, and the NCAA has maintained a largely hands-off approach. While I support allowing student-athletes to profit from their NIL rights, I am concerned that the current lack of structured rules and accountability measures could lead to pay-for-play or other improper inducements. These concerns appear to be validated by recent reports of NIL deals being used as inducements for college transfer and high school athlete recruitment¹. As Ranking Member of the Senate Committee on Commerce, Science, and Transportation, preserving amateurism and avoiding pay-for-play in college sports are top priorities to ensure fair play and fair competition. Therefore, I ask that you provide responses to the following questions:

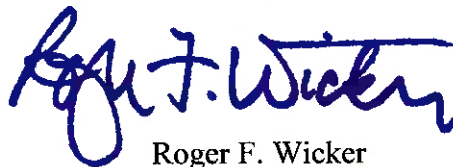
¹ 1. Auerbach, N. (March 10, 2022). Schools question whether the NCAA can Enforce Pay-for-Play Rules in NIL: 'Is There Going to be Accountability?'. from <https://theathletic.com/3173521/2022/03/10/schools-question-whether-the-ncaa-can-enforce-pay-for-play-rules-in-nil-is-there-going-to-be-accountability/>

2. Prisbell, Eric (March 15, 2022). The \$8 million NIL deal: 'If it's allowed to stand, it's just open sesame for recruiting inducements'. from <https://www.on3.com/news/8-million-nil-deal-if-allowed-to-stand-just-open-sesame-for-recruiting-inducements/>

1. How many student-athletes under the NCAA's purview are currently participating in name, image, and likeness deals? What is the total monetary value of all student athletes' NIL deals?
2. How many student-athletes under the NCAA's purview have transferred schools since July 1, 2021? Please provide a 5-year historical comparison so that can provide context to this number.
3. What progress, if any, has the NCAA made toward the adoption of permanent NIL rules?
4. What steps has the NCAA taken, if any, to educate student-athletes on the impacts NIL could have on financial aid status or tax status in various municipal, state, and/or federal governments?
5. What steps has the NCAA taken to educate its member institutions' athletic departments on NIL guidance?
6. How does the NCAA regulate NIL non-compliance among member institutions?
7. What dispute resolution procedures are available to member institutions in the case of NIL non-compliance?
8. What sanctions, if any, are appropriate for NIL non-compliance?

Please provide your written responses as soon as possible, but not later than 5:00 p.m. on Monday, April 11, 2022. Thank you for your prompt attention to this important matter.

Sincerely,



Roger F. Wicker