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Democracy Dies in Darkness



Power Five conferences ask Congress to 'not wait for the NCAA' on player compensation

By **Emily Giambalvo**

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The commissioners of the Power Five conferences sent a letter to Congress last week asking for legislation to regulate college athletes' ability to profit off their names, images and likenesses "as soon as possible" and encouraging lawmakers to "not wait for the NCAA" to continue exploring the issue.

The NCAA's amateurism rules currently prohibit athletes from receiving endorsement money, but with new NIL legislation, athletes could be paid through avenues such as third-party promotions and social media content.

The commissioners of the five major conferences — the ACC, Big Ten, Big 12, Pac-12 and SEC — wrote on behalf of all 65 of their schools and said they supported "legislation providing a single, national standard for NIL that would protect student-athletes, provide economic opportunity, and promote academics."

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The letter, which was first reported Friday by Stadium and confirmed by The Washington Post, asks Congress to act so that federal legislation and a “uniform national standard” would preempt state legislation related to these payments. Individual state legislation could lead to uneven standards across the country and within conferences.

In April, the NCAA announced its Board of Governors supported rule changes that allowed athletes to be paid for endorsements. The board already had identified guiding principles that it said would maintain college athletics' role as part of higher education. The April announcement said the board's recommendations would “move to the rules-making structure in each of the NCAA's three divisions for further consideration,” with the rule changes expected to take effect for the 2021-22 academic year.

The letter from the Power Five commissioners says they “believe strongly that Congress should enact the framework for a clear national policy on NIL as soon as possible and not wait for the NCAA process to conclude before moving forward with a national legislative plan.”

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Without federal legislation, the commissioners wrote that they “expect most if not all states to pass their own disparate NIL laws in early 2021, to take effect in the summer of 2021 if not sooner. So, time is of the essence.”

The commissioners outlined nine principles rooted in maintaining athletes’ status as students rather than employees and avoiding a pay-for-play model. Athletes must continue their academic progress. Universities cannot pay athletes for playing their sports or indirectly pay athletes by allowing university sponsors or athletic department boosters to enter into agreements with athletes for their names, images and likenesses.

The commissioners wrote that universities should be protected from “potential legal liability under antitrust and other laws related to the implementation of the federally mandated standards.”

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Some of the principles detailed in the letter include having safeguards that protect

athletes from “unscrupulous actors,” forbidding the use of NIL as a recruiting tool and allowing universities to prohibit agreements that are “inconsistent with higher education,” such as endorsing tobacco or alcohol.

The list of principles says the rules should be implemented “with a full appreciation and recognition of the diversity of our student-athletes and to ensure protection of gains made under Title IX. Transparency, defined as the public disclosure of NIL licenses and disclosure of representation to the universities, should be relied upon to “prevent corruption of the collegiate model.”

The letter dated May 23 was signed by ACC Commissioner John Swofford, Big Ten Commissioner Kevin Warren, Big 12 Commissioner Bob Bowlsby, Pac-12 Commissioner Larry Scott and SEC Commissioner Greg Sankey.

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Emily Giambalvo

Emily Giambalvo covers University of Maryland athletics for The Washington Post. Follow 

