



**NCAA BOARD OF GOVERNORS
FEDERAL AND STATE LEGISLATION WORKING GROUP**

1. **Charge.** Federal and state legislators have introduced legislation about student-athletes' ability to license and benefit from their name, image and likeness during their period of NCAA eligibility. Federal legislation threatens the nonprofit status of the Association and its members, and state legislation threatens to create local differences that would make it impossible to host fair national championships and to alter materially the principles of intercollegiate athletics. These initiatives necessitate conversations and agreements about how the membership should respond to the legislative proposals. To facilitate the dialogue, the NCAA Board of Governors and the president of the NCAA have established the Board of Governors Federal and State Legislation Working Group to study whether the Association should maintain its position in opposition to the legislation and/or work to develop a process whereby a student-athlete's NIL could be monetized in a fashion that would be consistent with the NCAA's core values, mission and principles. Specifically, the working group is directed as follows:
 - a. Consider whether modifications to NCAA rules, policies and practices should be made to allow for NIL payments.
 - b. Be mindful that NIL payments must not be compensation for athletics participation. Paying students as employees for play is anathema to the NCAA mission focused on students competing against students and is not part of this discussion.
 - c. Assure that any proposed solutions keep in mind that student-athlete benefits must be tethered to educational expenses or incidental to participation.
 - d. Examine whether any modifications to allow for NIL payments, beyond what the 9th U.S. Circuit Court of Appeals required in *O'Bannon* and other court rulings, would be achievable and enforceable without undermining the distinction between professional sports and collegiate sports.
 - e. Preserve the ability to host fair interstate competitions and national championships.

For its final report, the BOG requests the working group produce a set of Association-wide principles to provide each division guidance to a consistent approach on legislation related to NIL payments. It is noted that the principles also may include a rationale as to whether this would be plausible in keeping with the Association's mission.

The working group should provide an update to the Board of Governors and the NCAA president Aug. 6 and deliver a report Oct. 29.

2. **Composition.** The Federal and State Legislation Working Group shall consist of 18 members, including 12 Division I, three Division II and three Division III members. The recommended distribution of members is as follows:
 - a. **Division I members (12).**

- (1) Two presidents — One Board of Governors member from an autonomy conference and one Football Championship Subdivision president.
- (2) Two commissioners — One from an autonomy conference and one from a basketball conference.
- (3) Four directors of athletics — Two from autonomy conference schools, one from a non-football school and one from an FCS school.
- (4) One faculty athletics representative.
- (5) One senior woman administrator.
- (6) Two student-athletes — One male and one female.

b. Division II members (three)

- (1) President.
- (2) Commissioner.
- (3) Compliance officer.

c. Division III members (three)

- (1) President.
- (2) Director of athletics/student affairs administrator.
- (3) Student-athlete.

Note: The working group will engage external subject matter experts and NCAA membership groups as necessary to carry out its duties.

3. Staff Liaisons.

Scott Bearby, general counsel.

Abe Frank, managing director of government relations.

Dave Schnase, vice president of academic and membership affairs.

Cari Van Senus, vice president of policy and chief of staff.

Stan Wilcox, executive vice president of regulatory affairs.