

September 23, 2021

The Hon. Gus Bilirakis
United States House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Bilirakis:

We, the student-athletes of the Atlantic Coast Conference (ACC), call upon Congress to pass federal legislation to regulate Name, Image, and Likeness (NIL) uniformly across all states. A national bill, we believe, will empower student-athletes to monetize their NIL, protect them from manipulation and exploitation, and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

Effective July 1st, 2021, student-athletes have been permitted to profit from their NIL. This is a milestone for collegiate athletics as we are now allowed the same entrepreneurial opportunities as our student peers on campus. In the months since then, many student-athletes have reaped huge benefits for themselves and their communities through corporate partnerships, personal brands, and crowdfunding.

However, the current regulations overseeing NIL are piecemealed together based on state legislation, executive orders, and NCAA policy. For example, within the ACC alone, our ten states' different policies include four states with state legislation, two states with executive orders, and four states with no guidance whatsoever. We have experienced disparities among states regarding the extent to which student-athletes are able to use their NIL. Some state laws allow student-athletes to join into group licensing agreements and partner with professional sports teams, while others prohibit them from using institutional logos or colors when representing themselves. These conditions are completely dependent on where student-athletes are located and therefore under which NIL laws they are governed. Consequently, there are stark recruiting advantages and disadvantages that can influence where student-athletes complete their collegiate eligibility.

While the majority of outcomes thus far have been overwhelmingly positive for student-athletes, the current format is not sustainable beyond the immediate future. The upcoming recruiting cycle this year will not only highlight the obvious disadvantages student-athletes in some states face, but it might also influence student-athletes to compete for institutions that may not be best suited for them from an academic or athletic standpoint – which is contrary to the values of higher education. Name, image, and likeness regulations should be enforced unilaterally to provide the same opportunities for all student-athletes to succeed. Of course, we respect and encourage individual schools to make their own supplemental decisions on policies based on their own institutional values, but the fact remains that the current “Wild West” NIL philosophy disrupts the NCAA’s competitive equity model, and it’s clear we need a federal baseline that re-levels the playing field – and we need one soon.

We recognize that finding an ideal solution to the many concerns surrounding NIL is a highly complex endeavor; however, we believe Congress should pay close attention to three aspects that need to be addressed in a federal NIL bill:

First, we think the primary purpose of the bill should be to continue empowering and enabling student-athletes to benefit from NIL opportunities. The legislation should allow for group licensing agreements at the discretion of their respective college or university that would permit student-athletes to market themselves while wearing or being associated with university trademarks. Most of student-athletes’ value

is derived from their affiliation with their school, so the bill needs to find a way that allows both student-athletes and institutions to benefit from NIL opportunities in a fair way. Similarly, the bill should address issues like intellectual property and image rights so that we can achieve uniformity and dependability in these areas. Finally, the solution also needs to determine whether there should be restrictions on deals with certain industries that may not reflect the values of collegiate athletics or higher education.

Second, a national bill needs to protect athletes from exploitation and disproportionate financial and legal liability. While we do not encourage direct restrictions on actions student-athletes are allowed to take under the federal bill, we believe that helping student-athletes make informed decisions through education and supportive resources should be the primary means of protective measures. Specifically, we encourage Congress to consider mandatory annual educational sessions for student-athletes, as well as a national NIL rule-enforcing entity that ensures compliance by athletes, institutions, and third parties. These actions, we believe, will also encourage institutions to provide world-class legal and financial counsel to student-athletes.

Third, and perhaps most importantly, a comprehensive NIL solution must find a way to safeguard collegiate athletics as a whole. Only a marginal portion of student-athletes will be able to significantly benefit from their NIL during college, and an even smaller portion will turn pro after college. For the great majority of athletes – even those in revenue-generating sports – the lifetime earnings of a college degree will massively outweigh the short term benefits from potential NIL deals, and we think it is extremely important that lawmakers never lose sight of this fundamental truth. Congress would do a disservice to student-athletes, sports culture, and American society in general if it passes a bill that diminishes educational opportunities that leave schools no choice but to reduce scholarships or cut programs due to budget reallocations. In essence, the collegiate model must remain unchanged.

As student-athletes from both revenue-generating and Olympic sports, representing a Power 5 conference in a multi-billion dollar industry, we truly believe this unifying, federal solution will shape college athletics for the better. It will solve current problems while best setting up higher education for a future that both empowers and protects student-athletes. We feel every student-athlete stands to gain from this petition, and we will continue to use our platforms to advocate for the solutions we described.

Signed,

Student-athletes from all 15 schools of the Atlantic Coast Conference

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