

Ted Cruz: College sports are bigger in Texas. Here's how we keep them that way

Sen. Ted Cruz Austin American-Statesman

Published 7:00 a.m. CT Sept. 1, 2023

This weekend, Texas football teams will begin their seasons with legitimate playoff aspirations. That's because college sports, like everything else, are bigger in Texas.

Tens of thousands of faithful fans from all walks of life will gather to watch these games, united in their love of their team. And no one will know (or care) about the religion, background, or politics of the fan sitting next to them.

College sports are a great cultural unifier, but they are in peril—not just for fans—but for thousands of student-athletes whose games won't air on national television. In 2021, the Supreme Court issued a ruling against the National Collegiate Athletic Association (NCAA) that ultimately resulted in student-athletes having the ability to profit from their own name, image, and likeness (NIL). Now, additional litigation and draft state laws are hampering the ability of the NCAA to enforce even modest rules, set recruiting standards, promote fair competition, or crack down on bad actors looking to take advantage of student-athletes. Many school administrators agree that these developments, coupled with the evolution of athlete compensation, will lead to the premature end of big-time college football and basketball at dozens of schools. More troubling, however, could be the fallout at all levels of colleges and universities: the elimination of non-revenue sports.

If we are to preserve college athletics as we know it, congressional action will be necessary. To understand what lawmakers should — and should not do — the response of Washington to football's first crisis is instructive.

After a series of deaths from football-related injuries threatened the sport's future, President Theodore Roosevelt brought university leaders to the White House to encourage them to create rules that all parties could agree to rather than rely on the government. This became the early stages of the NCAA, an athletic system built on self-governance free from government intervention.

into a particular coach's methods, or federally mandated water and safety breaks.

After speaking with athletes, stakeholders from numerous Texas schools, collegiate sports associations, and others, I developed draft legislation that preserves the self-governance model and provides limited federal involvement to fully address outstanding legal issues that undermine fair competition.

First, my model codifies NIL rights for college athletes. As a matter of first principle, a man or woman is entitled to profit from their own labor and success. Many Texas athletes (and schools) are now benefiting from NIL rights. Just last year, the Longhorns landed Arch Manning, who ranks third in Name, Image, and Likeness valuation, among all college athletes. Four of the top 20 NIL collectives are affiliated with Texas universities.

Despite this early success, Texas institutions could find themselves at a competitive disadvantage against out-of-state rivals by the actions of another state legislature. A national solution for a national market is needed, which is why the Texas State Legislature requested in its NIL law that "the United States Congress...act on this matter to ensure the competitive integrity of intercollegiate athletics."

NIL deals are not without risk of exploitation. Not unlike the booster scandals of yesteryear, university-affiliated "collectives" can use NIL deals to recruit athletes on behalf of coaches and schools. If there is unethical pay-for-play activity, the NCAA and schools are largely powerless to curb it. My bill would address this challenge by empowering athletic associations to enforce recruiting and transfer rules. It would also create a registration system for agents so students can be sure a potential representative is knowledgeable, and it sets uniform contract provisions so NIL agreements contain safeguards that protect the student-athlete. The bill also allows athletic associations to create a NIL database so athletes and their representatives can better understand a player's market value.

Finally, the bill would ensure athletes are not deemed employees for purposes of employment law. This provision is essential to preserve the idea that student-athletes are students first and the focus remains on education. It would protect scholarship students so they could not be "fired" for non-performance, and preclude the enormous financial pressure that would likely cause schools to cut non-revenue sports.

Austin American-Statesman

SERVING OUR COMMUNITY SINCE 1871

Do we decide to take the path of creating a new federal agency and concomitant regulation of college sports, as well as the hyper-politicization that would soon follow it? Or do we want to preserve the self-governance model that Roosevelt and others chose more than 100 years ago? I prefer the latter.

Cruz, a Republican, represents Texas in the U.S. Senate.