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## TESTIMONY IN SUPPORT OF HB 533 February 18, 2020 \* Appropriations Committee

Submitted February 17, 2020

Chairwoman McIntosh & Members of the Committees:

My Name is Ramogi Huma and I am a former UCLA football player and the Executive Director of the National College Players Association (NCPA). The NCPA is a nonprofit advocacy group comprised of over 20,000 current and former NCAA Division I college athletes across the nation.

The NCPA is a co-sponsor of California SB 206 The Fair Pay to Play Act, and is working with 14 other states pursuing similar legislation to allow college athletes the freedom to secure representation and earn compensation from third parties for use of their name, image, and likeness. I am writing to express the NCPA's support for HB 533.

I founded the NCPA as a student group while playing football at UCLA after my All American teammate was suspended by the NCAA. Groceries were left on his doorstep when he was broke and hungry. The NCAA ruled that he had violated its compensation ban for receiving a benefit related to his athletics reputation. Meanwhile UCLA was selling his jersey in stores, fully capitalizing from his athletics reputation.

NCAA rules also infringe on players' 1<sup>st</sup> Amendment Right to freedom of speech. For instance, a college athlete would be prohibited from receiving compensation for a YouTube channel centering on his or her experience as a Christian college athlete. College athlete name, image, and likeness compensation from religious speech and other highly protected forms of speech are banned by the NCAA, even when conducted during an athlete's free time.

As the state considers this bill, it is important to dispel two of the NCAA's false arguments designed to deny college athletes these rights.

First, the NCAA claims that nonrevenue sports will be cut if college athletes are allowed to receive name, image, and likeness compensation. However, if commercial revenue is *required* for colleges to field nonrevenue sports, then NCAA Division II and III would not exist. The NAIA would not exist. All of the sports in these divisions are nonrevenue, yet they field sports with hundreds of thousands of athletes without any significant commercial revenue and at a fraction of the cost. Additionally, this

concern is without merit in part because the legislation discussed would only permit 3<sup>rd</sup> party compensation, and does not unlock direct payment from the colleges themselves.

Secondly, the NCAA's notion that competitive equity will be ruined is false. This is because competitive equity doesn't exist under current NCAA rules. In fact, after 6 years of legal scrutiny in the O'Bannon v. NCAA name, image, and likeness antitrust lawsuit, the federal courts came to this exact conclusion in their rulings. Colleges with the most revenue and wealthiest boosters have the largest recruiting budgets, hire the best coaches, build the best facilities, and in turn, they get the best recruits, win the most games, and score the richest TV deals allowing them to continue their dominance.

In the fall, there were questions about whether or not California colleges might be expelled by their athletic associations upon the implementation of the law. California didn't blink and neither should Maryland, because it's the right thing to do. In addition, the subsequent legislative activity in 28 states nationwide makes it clear that athletic associations simply can't expel all of these colleges.

The NCAA was originally founded to protect its players but now publicly denies it has a duty to protect college athletes or ensure a quality education. The NCAA adopts policies and practices based on the collective will of its member institutions, which too often trumps college athletes' well-being.

The NCAA enforces frivolous rules such as prohibiting a free meal for a hungry athlete but refuses to enforce health and safety standards that can prevent serious injury, death, and abuse. For instance, an NCAA survey discovered that 50% of athletic trainers admit to knowingly returning players with concussions to the same game; and a National Athletic Trainers Association found that 50% of athletic trainers are pressured by coaches to do so. Still, the NCAA will not enforce concussion protocols and says it will not punish a coach who forces a player with a concussion to return to the same game. This is alarming considering the serious cognitive impairment and suicides related to chronic traumatic encephalopathy (CTE), a degenerative brain condition that is linked to contact sports. It is underscored by last year's suicide of 21 year-old Washington State quarterback Tyler Hilinski who had CTE. Studies show female college athletes have the highest rates of concussions in comparable sports.

The NCPA has called on the NCAA to adopt safeguards since 2001 - following the deaths of three college football players in the off-season. This call has gone unanswered and college athletes continued suffer serious harm from preventable sports-related conditions. In contrast, the NFL and NFL Players Association maintain mandatory heat illness prevention standards in their collective bargaining agreement. The 2018 heat illness death of University of Maryland football player Jordan McNair could have been prevented if his college was subject to mandatory health and safety standards.

Also, the NCAA does not involve itself in matters of player abuse. In fact, it ruled that Michigan State University team doctor Larry Nassar's multiple sexual assaults against Michigan State athletes did not break NCAA rules. This is because there are no NCAA rules that prohibit the sexual or physical abuse of college athletes.

NCAA sports is a \$14 billion industry where multibillion dollar TV deals fuel multimillion dollar coach salaries, but NCAA rules allow colleges to require their athletes to pay for sports-related medical expenses. About 67 percent of college athletes suffer a major college sports injury and fifty percent suffer chronic injuries. This is a financial hardship when considering that even a full athletic scholarship leaves over 80% of college athletes living below the federal poverty line.

For all of these reasons, we ask for a favorable report on HB 533.

Sincerely,

A handwritten signature in black ink, appearing to read "Ramogi Huma". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ramogi Huma  
NCPA Executive Director