

STATE OF TENNESSEE

Office of the Attorney General



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The Honorable Mike Johnson  
Speaker  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Chuck Schumer  
Majority Leader  
U.S. Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Hakeem Jeffries  
Minority Leader  
U.S. House of Representatives  
2433 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Virginia Foxx  
Chairwoman  
Committee on Education & the Workforce  
U.S. House of Representatives  
2462 Rayburn House Office Building  
Washington, D.C. 20515

**RE: Support Passage of the NCAA Accountability Act of 2023**

Dear Speaker, Majority Leader, Minority Leaders, and Chairwoman,

We, the undersigned Attorneys General acting in our capacity as the chief legal officers of our states, write in support of the NCAA Accountability Act of 2023 (“The Act”). This bipartisan effort provides a real solution to a meaningful problem in higher education. And though the legislative process is ongoing, and details will still be worked out by you and your colleagues, we believe that passage of this bill into law will benefit our student-athletes, our colleges and universities, our states, and our nation.

The NCAA exercises tremendous power over the opportunities available to college athletes in our states, and there is currently no effective check on the organization’s conduct if it behaves in an arbitrary or inconsistent manner. The Act

protects our college athletes and our institutes of higher education by mandating a legal framework to constrain the worst potential abuses of the NCAA's authority.

While the NCAA is ostensibly controlled by its member institutions, the scale of the organization is such that many of us have seen our state university clients – even our flagship land grant universities – mistreated by lengthy, opaque, and arbitrary investigations. The poor behavior that inevitably flows from an unchecked concentration of power leaves our student-athletes vulnerable to mistreatment, distracts both students and universities from their educational priorities, and results in unequal treatment that can deprive students, coaches, and institutions of a fair process.

We want to highlight several key provisions of the Act that we believe make it an effective piece of legislation.

First, the Act imposes due process requirements that require transparency, confidentiality, and efficiency in any NCAA investigation. Several of us have seen lengthy investigations that drag on for years, consuming state resources and creating uncertainty for both our student-athletes and our schools. The Act provides for investigations of no longer than one year and creates a two-year statute of limitations. It also prohibits the NCAA from relying on secret informants to make enforcement decisions. The Act additionally maintains the integrity of the confidential investigative process by preventing the NCAA from publicly disclosing information about an ongoing investigation until formal charges are filed.

Second, the Act imposes substantive fairness requirements on the NCAA. It requires consistent enforcement so that schools engaged in similar misconduct will face similar penalties. It further allows member colleges and universities to resolve disputes over sanctions through an independent arbitration process. To ensure the NCAA's compliance with all of these new mandates, the Act requires the NCAA to submit annual reports to the state Attorneys General and the U.S. Department of Justice.

Finally, the Act comes with a meaningful enforcement mechanism by establishing federal supervision and authorizing the U.S. Department of Justice to fine the NCAA or individual officials up to \$15,000,000 for violating the Act and to order the permanent removal of any member of the NCAA's Board of Governors.

We are pleased to come together in support of this bill and respectfully encourage you to pass it.

Sincerely,



William Tong  
Connecticut Attorney General



Todd Rokita  
Indiana Attorney General



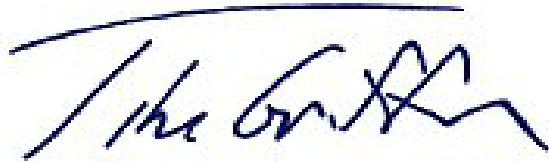
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The Honorable Clarence “Burgess” Owens  
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