

Senate Judiciary Committee Hearing
“America’s High-Stakes Bet on Legalized Sports Gambling”
Questions for the Record for Charlie Baker,
President of the National Collegiate Athletics Association (NCAA)

QUESTIONS FROM SENATOR BLACKBURN

1. Recent reporting has indicated that the House-NCAA settlement could leave hundreds of non-revenue-generating athletes in peril—specifically female and Olympic sport athletes. What is the NCAA doing to ensure that roster spots are not cut from women’s and other non-revenue-generating sports?

The proposed settlement enables Division I schools to deliver greater financial benefits to all student athletes, including those participating in women’s sports. As women’s college sports continue to surge in popularity, the House settlement will allow schools to invest at their own discretion in the women student-athletes who serve as ambassadors for their universities on big stages.

The settlement allows but does not require schools to provide up to approximately \$20M annually to student-athletes as direct financial benefits. Giving schools the ability to provide greater financial benefits to student-athletes without mandates, will allow schools and programs with more modest budgets and revenue-generating capabilities to continue to flourish. The biggest threat facing women’s sports, Olympics sports and sports at lower resourced schools is the attempt to force student-athletes to become employees of their school. Student-athlete leaders oppose this move and it would be wildly unaffordable for schools everywhere.

Additionally, the sport sponsorship minimums currently required of Division I schools are still in place and the settlement will give schools the opportunity to significantly increase the number of women’s sports scholarships. By replacing scholarship limits with roster limits, the settlement terms will allow schools to more than double scholarships for women’s sports. The settlement creates 423.5 new women’s scholarships. The new limit for total women’s scholarships is 675. The previous limit was 251.5.

2. The NCAA has repeatedly emphasized the need to protect college athletes from predatory agents and advisors who take unknown and unlimited percentages of their Name Image and Likeness earnings. Yet, in the House v. NCAA settlement, the plaintiffs’ lawyers are set to receive \$480 million in fees plus a 1% annual cut of revenue shared with athletes—an estimated \$270 million over 10 years. How do you justify lobbying Congress for an antitrust exemption that would restore the NCAA’s ability to place arbitrary restrictions on athlete compensation—under the guise of protecting them—while allowing lawyers to extract such massive fees from the very athletes you claim to safeguard?

As the defendants in the case, we are not positioned to address any fees associated with the plaintiff attorneys. Fees are determined by the judge and plaintiffs’ attorneys.

Additionally, the NCAA does not seek to place arbitrary restrictions on athlete compensation.

3. I appreciate your efforts to raise awareness about the harassment student athlete's—especially our female athletes—experience online. What concrete steps can Congress take to assist the NCAA in those efforts?

The NCAA is doing more now than ever before to support student-athletes. In October, the NCAA called on fans and social media platforms to curb abuse following the release of the first online harassment study with Signify Group. Analysts reviewed more than 72,000 messages that were flagged by their AI-based algorithm from a wider dataset of 1.3 million posts/comments targeted at the social media profiles of student-athletes, coaches and officials taking part in seven NCAA championships and the College Football Playoff National Championship. The review found 12% of all abuse was related to sports betting, with more than 740 instances. As betting markets increased, so did the prevalence of harassment, with 19% rates in men's basketball and football.

Earlier this year, West Virginia joined Ohio as states to pass legislation codifying antiharassment measures related to sports betting. The NCAA worked closely with members of the West Virginia House of Delegates, which recognized that antiharassment issues are not just statewide, but also impact student-athletes and game officials across the country. The actions of a bettor in one state could impact individuals in another. The delegate who proposed the legislation represented areas bordering Pittsburgh and noted the limited impact of involuntary exclusion bettor lists if bettors could jump across state lines to circumvent penalties.

In addition to legislative action by West Virginia and Ohio, a former student-athlete in the New Mexico Legislature proposed increased penalties for bettors who engaged in harassment related to sports betting. Just recently, the Wyoming Gaming Commission voted to approve rule changes that would expand the definition of harassment and allow regulators to place those who harass student-athletes on involuntary exclusionary bettor lists. A Wyoming Gaming Commission official said, "We are excited to take this first step and be a part of the solution." Finally, legislators in New Jersey have introduced bills in both the Senate and Assembly that would create a harassment hotline, require operators to report harassment and coercion to the New Jersey Division of Gaming Enforcement, and solicit input from governing bodies, conferences and schools for the governor's annual report on sports betting.

Ultimately, having a clear, federal standard for what constitutes harassment related to sports betting would benefit state gaming commissions who have attempted to address this independently through bills and rule changes. Additionally, we encourage the federal government to empower state regulators to ban bettors who engage in harassment through the use of banned bettor lists — which should be shared across state lines so offenders do not fall through the cracks.

Additionally, we support a ban on prop bets for college athletics. We believe that when bettors cannot gamble on college athletes' individual performances, they are far less likely to attempt to scrutinize, coerce or harass student-athletes. Half of all states with legal sports betting now ban these types of bets for good reason.

Finally, we would encourage federal authorities to do more to crack down on black market betting sites. We believe these sites are where many of the underage students who report betting are placing their bets.

4. During your testimony, you mentioned multiple times that you were willing to work with Congress to establish a federal framework regarding transgender athletes competing in women's sports. What concrete steps will you take in the 119th Congress to work with me and my colleagues to establish this federal framework? In your view, what restrictions should be put on transgender athletes who wish to compete in women's sports?

On February 6, 2025, the day immediately following President Donald Trump's Executive Order entitled "Keeping Men Out of Women's Sports," issued on February 5, the NCAA's Board of Governors voted to update the Association's participation policy for transgender student athletes. This new policy aligns with President Trump's Executive Order, is effective immediately and applies to all student-athletes regardless of previous eligibility reviews under the NCAA's prior transgender participation policy.

5. Has the NCAA held any listening sessions, policy roundtables, or any other engagement with female athletes to understand how about biological men competing in women's sports has affected them?

Yes.

6. What scientific research underlies the NCAA transgender athlete participation policy allowing males to compete in women's sport? Cite specific sources.

The NCAA is an organization made up of 1,100 colleges and universities in all 50 states that collectively enroll more than 530,000 student-athletes. We operate at the direction of our membership and comply with all relevant Federal and state laws. As stated above, the NCAA Board of Governors took immediate action following President Trump's February 5th Executive Order.

7. You stated in a letter on August 21, 2024 to United States Senators: "The NCAA's transgender student-athlete participation policy is not mandatory, and federal, state and local laws supersede the Association's policy. Schools may also choose to operate in a different way due to institutional values."
 - a. Precisely when and how has the claim that the NCAA transgender participation policy is "not mandatory" been communicated to member institutions?

- b. What guidance has the NCAA given schools to opt out of participation in this policy?
- c. Describe specifically how “not mandatory” participation translates to teams, in season and post season competition, host selection and site requirements, and all facilities?
- d. How does a school opt out of participation if the NCAA does not disclose a transgender athlete’s identity? How does this secrecy allow for the policy to be “not mandatory”?

As previously stated, the NCAA’s Board of Governors voted to update the Association’s participation policy on February 6, 2025, shortly after President Trump issued clear federal guidance.

8. You stated there are “less than ten” transgender athletes participating in the NCAA.

- a. How many of these athletes are males participating in women’s sports?

Due to the small number of transgender athletes who participated previously, any additional information provided would raise privacy and safety concerns for the student athletes.

- b. How many of these athletes are female participating in men’s sports?

The men’s category was and is now open to all eligible student-athletes and does not require any type of documentation from the student-athlete or school to the NCAA.

- c. In which NCAA Divisions and sports are they participating?

Due to the small number of transgender athletes who participated previously, any additional information provided would raise privacy and safety concerns for the student athletes.