

TAKING THE BUZZER BEATER TO THE BANK: PROTECTING COLLEGE ATHLETES' NIL DEALMAKING RIGHTS

HEARING BEFORE THE SUBCOMMITTEE ON INNOVATION, DATA, AND COMMERCE OF THE COMMITTEE ON ENERGY AND COMMERCE HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

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TAKING THE BUZZER BEATER TO THE BANK: PROTECTING COLLEGE ATHLETES' NIL DEALMAKING RIGHTS

WEDNESDAY, MARCH 29, 2023

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INNOVATION, DATA, AND COMMERCE,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 2322, Rayburn House Office Building, Hon. Gus M. Bilirakis (chairman of the subcommittee) presiding.

Members present: Representatives Bilirakis, Bucshon, Walberg, Duncan, Dunn, Lesko, Pence, Allen, Fulcher, Harshbarger, Cammack, Rodgers (ex officio), Schakowsky (subcommittee ranking member), Castor, Blunt Rochester, Soto, Trahan, Clarke, and Pallone (ex officio).

Also present: Carter, Pfluger, and Cárdenas.

Staff present: Kate Arey, Content Manager and Digital Assistant; Michael Cameron, Professional Staff Member, Innovation, Data, and Commerce; Jessica Herron, Clerk, Innovation, Data, and Commerce; Sean Kelly, Press Secretary; Peter Kielty, General Counsel; Chris Krepich, Press Secretary; Tim Kurth, Chief Counsel, Innovation, Data, and Commerce; Brannon Rains, Professional Staff Member, Innovation, Data, and Commerce; Lacey Strahm, Fellow, Innovation, Data, and Commerce; Michael Taggart, Policy Director; Teddy Tanzer, Senior Counsel, Innovation, Data, and Commerce; Hannah Anton, Minority Staff Assistant; Ian Barlow, Minority FTC Detailee; Waverly Gordon, Minority Deputy Staff Director and General Counsel; Daniel Greene, Minority Professional Staff Member; Tiffany Guarascio, Minority Staff Director; Lisa Hone, Minority Chief Counsel, Innovation, Data, and Commerce; Mackenzie Kuhl, Minority Digital Manager; Joe Orlando, Minority Senior Policy Analyst; and C.J. Young, Minority Deputy Communications Director.

Mr. BILIRAKIS. Good morning, everyone. The subcommittee will come to order.

The Chair recognizes himself for an opening statement.

OPENING STATEMENT OF HON. GUS M. BILIRAKIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Again, good morning, everyone. I am pleased to hold this subcommittee hearing today to discuss an important topic that has

been the subject of much debate in recent years: name, image, and likeness, or NIL, in college sports.

This debate about whether student-athletes should get NIL compensation has already been settled by the courts, leaving Congress to figure out how to navigate this new landscape. In the meantime, many have already taken advantage of these new opportunities.

During college basketball's busiest time of the year, athletes have seized the moment on the court and rode their success all the way to the bank. Since the start of March Madness, more than 40 deals have been signed with men's and women's basketball players. Ahead of the Final Four matchups this weekend, one thing is clear: More college athletes will ink additional NIL deals.

The main question before us today is how Congress should regulate this new economic frontier to ensure that NIL deals are transparent and fair and that they do not compromise the integrity of college sports. We must avert the potential pitfalls that could come with NIL compensation rights, such as becoming recruiting inducements or pay-for-play schemes.

We also must consider how NIL regulation would affect capital distribution in the college sports ecosystem, particularly the effects this will have on smaller college athletic programs. I want to emphasize that.

Just last week we heard the unfortunate news that St. Francis College in New York made a decision to eliminate its entire athletics program, citing residual financial implications from COVID-19 pandemic and operating expenses. I worry that the financial stress of more mandates will only compound such constraints on resources.

If that is not enough, we are already seeing charitable dollars being siphoned away from the athletic departments and conferences into third-party NIL collectives. Combine that with a requirement for schools to classify their athletes as employees—I know that there is a pending proposal in the State of New York—we will certainly see more heartbreaking decisions made, particularly for sports that don't generate revenue. And we have got to preserve those sports, ladies and gentlemen, and I worry about the implications of what this would do to Olympic sports as well.

It is vital that we center today's discussion on the foundational principle that creating and maintaining an equal playing field for all college athletes is paramount. If you are advocating for student-athletes, which all of us are here today, your priority should be that they remain student-athletes.

I am glad to see a diverse set of perspectives on our witness panel today, each sharing a unique view of the college NIL landscape. Thank you all for making the time to travel before us today, again, being here, and share your insights into this topic with us.

I am particularly proud to see my home State will be represented on today's panel. I wonder how that happened? Thank you, Kaley. I want to thank Kaley for making the time to come share your story with us amidst the demands of being in season. I wish you luck at your games, of course, this weekend.

And it always warms my heart to see my alma mater represented. Thank you, Trey, Mr. Trey Burton, for being here. And

I think everyone knows by now that I bleed orange and blue. So, go Gators.

[Laughter.]

Mr. BILIRAKIS. As my colleagues can see by the geographic make-up of this panel, NIL affects athletes and institutions in all States. It is critical that we establish a Federal preemptive standard for NIL to bring clarity and consistency to this rapidly evolving space.

The lack of uniformity across different States and institutions has created confusion and uncertainty, and a Federal standard is needed so all athletes are playing by the same rules. In short, we must strike a delicate balance between the rights of college athletes to profit from their own NIL while keeping the amateur status for all college athletes.

With that, with thoughtful and balanced legislation, we can create a system that is fair, transparent, and sustainable for all. Today's hearing is one step in that process. We can get this done if we work together, folks.

Thank you all for your attention, and I look forward to a productive discussion on this very important topic.

OK. And now I yield.

[The prepared statement of Mr. Bilirakis follows:]

**Opening Statement of Chair Gus M. Bilirakis
As Prepared for Delivery
Committee on Energy and Commerce
Subcommittee on Innovation, Data, and Commerce
Hearing entitled “Taking The Buzzer Beater To The Bank: Protecting College
Athletes’ NIL Dealmaking Rights”
March 29, 2023**

Good morning, everyone. I’m pleased to hold this Subcommittee hearing today to discuss an important topic that has been the subject of much debate in recent years: Name, Image, and Likeness, or NIL, in college sports.

This debate about whether student athletes should get NIL compensation has already been settled by the courts, leaving Congress to figure out how to navigate this new landscape. In the meantime, many have already taken advantage of these new opportunities.

During college basketball’s busiest time of the year, athletes have seized the moment on the court and rode their success all the way to the bank.

Since the start of March Madness, more than 40 deals have been signed with men’s and women’s basketball players. Ahead of the Final Four matchups this weekend, one thing is clear: more college athletes will ink additional NIL deals.

The main question before us today is how Congress should regulate this new economic frontier to ensure that NIL deals are transparent and fair, and that they do not compromise the integrity of college sports.

We must avert the potential pitfalls that could come with NIL compensation rights, such as becoming recruiting inducements or pay-for-play schemes.

We also must consider how NIL regulation would affect capital distribution in the college sports ecosystem, particularly the effects this will have on smaller college athletics programs.

Just last week we heard the unfortunate news that St. Francis College in New York made the decision to eliminate its entire athletics program, citing residual financial implications from the COVID-19 pandemic and operating expenses.

I worry that the financial stress of more mandates will only compound such constraints on resources.

If that is not enough, we are already seeing charitable dollars being siphoned away from athletic departments and conferences into third-party NIL collectives. Combine that with a requirement for schools to classify their athletes as employees, and we will certainly see more heartbreaking decisions made, particularly for sports that don’t generate revenue. And I worry about the implications of what this would do to Olympic sports as well.

It is vital that we center today’s discussion on the foundational principle that creating and maintaining an equal playing field for all college athletes is paramount.

If you are advocating for student athletes, which all of us today are, your priority should be that they remain student athletes.

I am glad to see a diverse set of perspectives on our witness panel today, each sharing a unique view of the college NIL landscape. Thank you all for making the time to travel and be here today to share your insights into this topic with us.

I'm particularly proud to see my home state well represented on today's panel.

Thank you, Kaley, for making the time to come share your story with us amidst the demands of being in-season. I wish you luck at your games this weekend.

And it always warms my heart to see my alma mater represented. Thank you Trey, for being here, GO GATORS!

As my colleagues can see by the geographic make-up of this panel, NIL affects athletes and institutions in all states.

It is critical that we establish a federal preemptive standard for NIL, to bring clarity and consistency to this rapidly evolving space.

The lack of uniformity across different states and institutions has created confusion and uncertainty, and a federal standard is needed so all athletes are playing by the same rules.

In short, we must strike a delicate balance between the rights of college athletes to profit from their own NIL, while keeping the amateur status for all college athletics.

With thoughtful and balanced legislation, we can create a system that is fair, transparent, and sustainable for all. Today's hearing is step-one in that process.

Thank you all for your attention, and I look forward to a productive discussion on this important issue.

I will recognize the gentlelady from Illinois, Ms. Schakowsky, for 5 minutes for her opening statement. She is our ranking member, and we have worked so well together in the past. So I yield to—I give you 5 minutes, Representative Schakowsky, please.

OPENING STATEMENT OF HON. JAN SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Ms. SCHAKOWSKY. Thank you so much, Mr. Chairman, for your continued collaboration, and I want to thank the witnesses for being here today.

Throughout March, fans gathered to cheer for their basketball teams, and I have to tell you that I was thrilled that this year for the first time ever both Illinois Big Ten teams were in the NCAA men's basketball tournament. Yay. We didn't get all the way, but—

So, and college sports brings joy to Americans in every State, in every congressional district, and certainly also to current and former athletes. I want to tip my hat to our colleague, Representative Trahan, who is one of those, and I am sure there are others among our—among our Members. And she—that was volleyball, by the way. And so—but college sports have also generated enormous wealth, but that wealth has not been—has not been uniformly distributed among all who need to be.

For example, let me say those most responsible for the creation of that wealth—the players—have yet to receive their fair share of the pie. We have seen athletes deprived of the basic—the basic needs that they have, and we need to do something about it.

For anyone who doubts—who doubts me, I look back to 2015, when Northwestern football players—and I am proud to represent them—tried to—began an effort to unionize. I supported that. Northwestern employed the same anti-union tactics that we have seen among giant corporations like Starbucks and Amazon.

And it is essential that college athletes not only have the right to benefit from their name and image and likeness, but that they can—that they can make sure that they get the benefits in other ways as well.

For example, under NCAA rules, athletes are required to have basic health insurance. However, schools are not required to provide the health insurance. Unfortunately, these—the two health insurance options offered by the NCAA provide insufficient coverage and is also time-limited, yet for some athletes, injuries last sometimes even a lifetime, but certainly longer than the insurance covers.

For years Congress has been told, well, just let them regulate themselves—talking about the NCAA and others—do it themselves. But only after a Supreme Court ruling would we finally see the passage of some legislation, State laws in various States, have we—did the NCAA begin to allow some college athletes to make money from their name, image, and likeness.

However, huge—let me just see—am I still there? No, I guess—oh, wait, I am still there. OK.

However, huge disparities in—still exist between athletes in various colleges. So more—absolutely more needs to be done, and I

really look forward to the debate that we are going to have in this committee to make sure how we are going to address these issues.

I think the time has come for real change. I want to say that I have read all of your testimony, and I just wanted to tell you that I have to leave for a brief moment to go to the Budget Committee, where I am going to be asking questions, and then I am going to come back and hear the rest of it. But thank you so much to our witnesses.

And with that, I yield back, Mr. Chairman.

[The prepared statement of Ms. Schakowsky follows:]

Committee on Energy and Commerce**Opening Statement as Prepared for Delivery
of****Subcommittee on Innovation, Data, and Commerce Ranking Member Jan Schakowsky*****Hearing on “Taking the Buzzer Beater to the Bank: Protecting College Athletes’ NIL
Dealmaking Rights.”*****March 29, 2023**

Thank you, Chair Bilirakis, for your continued collaboration, and thank you to the witnesses for being here today.

Throughout March, college students, alumna, and others gather as fans to cheer for their basketball teams. I was thrilled that this year, for the first time ever, both of Illinois’ Big Ten teams played in the NCAA men’s basketball tournament.

College sports bring joy to Americans in every state, in every Congressional district, and can provide lifechanging opportunity and friendships for college athletes. I know our colleague Ms. Trahan, and I am sure others have personally experienced this.

College sports have also generated enormous wealth, but that wealth has been unfairly distributed for decades. Those most responsible for the creation of this wealth, the players, have yet to receive their fair share of the pie. And if that isn’t bad enough, we have seen athletes deprived of basic compensation and benefits for their work in service of the amateurism myth.

For anyone who doubts me, think back to 2015, when Northwestern football players, who I have the privilege to represent, began a union drive. Regrettably, Northwestern employed the same anti-union tactics we see giant corporations like Amazon and Starbucks use to this day.

It is essential that college athletes not only have the right to benefit from their name, image, and likeness, but that they can bargain collectively for benefits, including short and long-term healthcare.

Under NCAA rules, athletes are required to have basic health insurance. However, schools are not required to provide that insurance. Unfortunately, the two health insurance options offered by the NCAA provide inadequate coverage and are time restricted. For some, those injuries last years after the end of a college athlete career.

For years, Congress was told by the NCAA and others to let them govern themselves. Only after a Supreme Court decision – and the passage of many state laws – did the NCAA begin allowing some college athletes to make money from their name, image, and likeness. However, huge disparities in compensation exist between athletes and the college sports machine and more needs to be done to ensure that players’ health and safety are put first.

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I look forward to engaging with Chair Bilirakis, Members on both sides of the aisle of this subcommittee, and all key stakeholders as we seek to correct past injustices and move forward in an equitable “player first” way. Again, thank you to the witnesses. I’ve read your testimony and I appreciate you being here. I must now run to a Budget Committee hearing to ask questions, but I will come right back.

Mr. BILIRAKIS. Thank you. Appreciate it. Thank you, Ranking Member.

I do want to say that the testimony is excellent, and I had an opportunity to read it as well. So we appreciate that very much.

I now recognize our chairperson of the full committee, Mrs. Rodgers, for her 5 minutes for her opening statement. You are recognized.

**OPENING STATEMENT OF HON. CATHY McMORRIS RODGERS,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF
WASHINGTON**

Mrs. RODGERS. Thank you, Mr. Chairman. And thank you for your dedication to the issue of name, likeness—name, image, likeness. I know this. Name, image, likeness. I know it is close to your heart to ensure college athletes have every chance to succeed professionally and academically.

We are fortunate to have a few former college athletes on this committee, and I know it is an issue that is close to their hearts as well.

I would also like to thank Mr. Pat Chun from Washington State University, the athletic director for Washington State University, who is testifying today. Go Cougs. He has been a leader on this issue, his work at WSU and various roles with the NCAA. Just appreciate your insights.

The Supreme Court blew the whistle on the NCAA in 2021 as it unanimously ruled it can no longer prohibit college athletes from receiving compensation for their NIL. The ruling could not have been clearer. The NCAA was overly restrictive in its prohibition of athletes profiting from their NIL. Unfortunately, the Supreme Court's ruling did not offer clear rules of the road.

Instead, we have seen a rollercoaster of State activity as States compete to have the most advantageous laws for their respective schools. For example, Alabama enacted an NIL law to provide guardrails and quickly had to repeal it within a year over concerns more restrictive laws could put them in a competitive disadvantage in recruiting versus other States.

Not unlike other challenging issues before this committee, the patchwork of State laws is confusing for athletes, schools, and conferences alike. It is unreasonable to expect student-athletes to balance their studies with navigating a maze of complex and conflicting laws. They are put in a potentially devastating position of running afoul of rules they would need a law firm to provide counsel on.

Without a clear and consistent set of rules in place, the entire ecosystem is disrupted and important elements of the educational experience are decimated. Nonrevenue-generating sports that help athletes get into and through a college degree program are being hurt. Advances thanks to Title IX will be reversed if there aren't consistent rules to benefit women's sports.

As Chairman Bilirakis shared, small schools' athletic programs will be eliminated, as they are unable to compete in such a complex system of rules and incentives.

While some sports in the highest level are profitable, most student-athletes compete in sports that would not have a good return

on investment. We cannot allow an outcome where there are thousands of college athletes—where they lose their opportunity to compete in the sports they love.

The current NIL chaos means student-athletes are left to fend for themselves, and those at the top of their game must figure out how to maneuver through a multiple of agents, collectives, and high-dollar contract offers, all while maintaining their academic and athletic commitments. The pressure placed on these student-athletes is immense and raises important questions on them being able to receive counseling for financial planning and mental well-being.

Clear protections in education can prevent many unfortunate examples of college athletes being exploited. In resolving these challenges, we must not ruin what makes college athletics so special.

NIL is long overdue. It means a supplemental income for student-athletes across the country. The recent changes in NCAA NIL policy recognize what has always been true. These college—these athletes are more—these collegiate athletes are more than just athletes. They are small business owners, podcasters, and entrepreneurs.

We must give them clear guidelines for how they explore and nurture these talents. We must also establish clear national rules so amateur athletes have every chance to succeed in life and sports. Every one of us takes great pride in the universities and colleges in our home States. We all want our student-athletes to be successful, both on and off the field.

Again, thank you to the witnesses for appearing before us today, as your input will help guide us in legislating a set of rules that works for everyone.

I yield back.

[The prepared statement of Mrs. Rodgers follows:]

**Opening Statement of Chair Cathy McMorris Rodgers
As Prepared for Delivery
Committee on Energy and Commerce
Subcommittee on Innovation, Data, and Commerce
Hearing entitled “Taking the Buzzer Beater to the Bank: Protecting
College Athletes’ NIL Dealmaking Rights”
March 29, 2023**

Thank you, Mr. Chairman.

Thank you for your dedication to the issue of “Name Image Likeness” I know it’s close to your heart to ensure college athletes have every chance to succeed professionally and academically.

We’re fortunate to have a few former college athletes on this committee and I know it is an issue close to their hearts as well.

I’d also like to thank Pat Chun, the Athletic Director of Washington State University for testifying before us today – Go Cougs!

At every level, from his work at WSU to his various roles with the NCAA, Pat has taken a leadership role on NIL.

The Supreme Court blew the whistle on the NCAA in 2021 as it unanimously ruled it could no longer prohibit college athletes from receiving compensation for their NIL.

The ruling could not have been clearer..... the NCAA was overly restrictive in its prohibition of athletes profiting from their NIL.

Unfortunately, the Supreme Court’s ruling did not offer clear rules of the road.

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For example, Alabama enacted an NIL law to provide guardrails then quickly had to repeal it within a year over concerns more restrictive rules could put them at a competitive disadvantage in recruiting versus other States.

Not unlike other challenging issues before this committee, the patchwork of State laws is confusing for athletes, schools, and conferences alike.

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Without a clear and consistent set of rules in place, the entire ecosystem is disrupted, and important elements of the educational experience are decimated.

Non-revenue generating sports that help athletes get into and through a college degree program are being hurt.

Advances thanks to Title Nine will be reversed if there aren't consistent rules to benefit women's sports.

As Chairman Bilirakis shared, small schools' athletic programs will be eliminated as they are unable to compete in such a complex system of rules and incentives.

While some sports at the highest level are profitable, most student athletes compete in sports that would not have a good "return on investment."

We cannot allow an outcome here where thousands of college athletes lose the opportunity to compete in the sports they love.

The current NIL chaos means student athletes are left to fend for themselves....

...And those at the top of their game must figure out how to maneuver through a multitude of agents, collectives, and high dollar contract offers – all while maintaining their academic and athletic commitments.

The pressure placed on these college athletes is immense, and raises important questions on them being able to receive counseling for financial planning and mental well-being.

Clear protections and education can prevent many unfortunate examples of college athletes being exploited.

In resolving these challenges, we must not ruin what makes college athletics so special.

NIL is a long-overdue means of supplemental income for student athletes across our country.

The recent changes in NCAA NIL policy recognize what has always been true... these collegiate athletes are more than just athletes –they are small business owners, podcasters, and entrepreneurs.

We must give them clear guidelines for how they explore and nurture these talents.

We must also establish clear, national rules so that amateur athletes have every chance to succeed in life and in sports.

Every one of us takes great pride in the universities and colleges in our home states. We all want our student athletes to be successful, both on and off the field.

Again, thank you to the witnesses for appearing before us today, as your input will help guide us in legislating a set of rules that works for everyone.

I yield back.

Mr. BILIRAKIS. Thank you, Madam Chair. appreciate it very much.

And before I recognize the ranking member of the full committee, Mr. Pallone, I would like to ask him a question. Sir, Eagles or Giants?

[Laughter.]

Mr. PALLONE. Giants, but I actually like both.

Mr. BILIRAKIS. OK. That is a politician there.

Mr. PALLONE. Well, I am in central Jersey, so, you know, we have people from—

Mr. BILIRAKIS. Oh, OK. Well—

Mr. PALLONE [continuing]. For both teams.

Mr. BILIRAKIS. I am going to tell you that, as you know, Mr. Burton is responsible for the Philly Special. And he is an Eagles fan, so be nice to him.

Mr. PALLONE. I will.

Mr. BILIRAKIS. All right. I think you are always nice. Thank you. You are a great friend. All right. I want to recognize you for 5 minutes, sir, for your opening statement.

OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you. And, Mr. Chairman, I did want to recognize, because I see him in the audience, former Congressman Tom McMillen, who served on this committee when I started, and he of course was a great basketball player and when he was here championed the concerns of college athletes. So I am sure that is why he is here today. Thank you, Tom.

But I also wanted to say that I do think this is an important hearing. The devotion, sacrifice, and hard work of collegiate athletes helps make college sports one of the most popular and lucrative brands of sports entertainment in the country. And they play packed stadiums, their performances fuels viewership, their talents and charisma drive merchandise sales, and their successes increase revenue and enrollment.

And college athletes deserve a system that protects their interests and well-being while preserving the educational mission of college sports. So that is why I am pleased that the National Collegiate Athletic Association has finally been forced to allow college athletes to monetize their name, image, and likeness, just like any other students on campus or coach in the lockout room—locker room. And while name, image, and likeness reform is a start, any future actions by Congress to legislate in this space must also address some of the broader, equally pressing issues affecting college athletes today, issues like health and safety, players' rights to organize, compensation, and gender equity.

We have to ensure that players' welfare is the top priority for the athletic programs at colleges and universities across the country, regardless of division, conference, or sport, and that means every player must receive proper care for sports-related medical issues, even when that care comes after leaving college.

It means college athletes' First Amendment rights to organize must be respected and protected, and that players must be able to

meaningfully negotiate to ensure their voices are heard. And it also means that we must be mindful of protecting and building on the benefits Title IX has brought to women's college sports.

So I thank Chairs Rodgers and Bilirakis for their willingness to work in a bipartisan manner and assure all perspectives are represented here today. These athletes deserve a system that puts players' welfare first, not the NCAA's bottom line. I look forward to hearing from the panel on how we in Congress can achieve that goal for collegiate athletes.

But I am going to yield the remainder of my time to Congresswoman Trahan, because she knows a lot more about these issues than I do as a former Division I female athlete, the only former Division I female athlete serving in Congress.

[The prepared statement of Mr. Pallone follows:]

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of
Ranking Member Frank Pallone, Jr.**

Innovation, Data, and Commerce Subcommittee Hearing on “Taking the Buzzer Beater to the Bank: Protecting College Athletes’ NIL Dealmaking Rights.”

March 29, 2023

The devotion, sacrifice, and hard work of collegiate athletes help make college sports one of the most popular and lucrative brands of sports entertainment in the country. Their play packs stadiums. Their performance fuels viewership. Their talents and charisma drive merchandise sales. Their successes increase revenue and enrollment. College athletes deserve a system that protects their interests and well-being while preserving the educational mission of college sports.

That’s why I am pleased that the National Collegiate Athletic Association (NCAA) has finally been forced to allow college athletes to monetize their name, image, and likeness just like any other student on campus or coach in the locker room. While name, image, and likeness reform is a start, any future actions by Congress to legislate in this space must also address some of the broader, equally pressing issues affecting college athletes today. Issues like health and safety, players’ right to organize, compensation, and gender equity.

We must ensure that players’ welfare is the top priority for the athletic programs at colleges and universities across the country regardless of division, conference, or sport. That means every player must receive proper care for sports-related medical issues, even when that care comes after leaving college. It means college athletes’ first amendment right to organize must be respected and protected, and that players must be able to meaningfully negotiate to ensure their voices are heard. And it also means we must be mindful of protecting and building on the benefits Title IX has brought to women’s college sports.

I thank Chair Rodgers and Bilirakis for their willingness to work in a bipartisan manner and ensure all perspectives are represented here today. These athletes deserve a system that puts player welfare first, not the NCAA’s bottom line. I look forward to hearing from this panel on how we in Congress can achieve that goal for all collegiate athletes.

I would like to yield the remainder of my time to Congresswoman Trahan – a leader on these issues, and the only former Division I female athlete serving in Congress today.

OPENING STATEMENT OF HON. LORI TRAHAN, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mrs. TRAHAN. Well, I thank the ranking member for yielding. Like many of our colleagues on the committee, I believe that Congress can and must act to create a level playing field for college athletics. We will no doubt hear from our witnesses today that the current patchwork of State laws is difficult for colleges and conferences to navigate. But as a former college athlete myself, I am more concerned with how that same patchwork affects athletes.

When I was being recruited to play volleyball, I had to navigate that process alone. You know, my parents didn't get a scholarship to college. In fact, many first-generation Americans like my dad didn't have a choice but to start working right after high school. They didn't—they did their best to help me, but the burden of navigating different scholarship offers and weighing the pros and cons of one school against another was stressful and at times daunting.

That was difficult enough 30 years ago without having to parse through the different State laws to determine if going to a school in New Mexico might be better from an NIL perspective than staying in my home State of Massachusetts. But that is the challenge that athletes are facing today. Make no mistake, the system of college athletics is better than it was 2 years ago, but there are emerging challenges, including inequity and collusion among collectives, predatory contracts, and Title IX loopholes that we should address.

I would urge my colleagues that when we move the ball forward on this issue we do so in a way that prioritize the rights of athletes who have long been left out of discussions about the future of college athletics. There should not be a desire to return to the status quo that didn't work for so many college athletes.

We can't put that genie back in the bottle, as they say, but we can work together to advance legislation that creates a level playing field, strengthens the rights of athletes, and preserves college athletics for generations to come.

I want to thank the Chair and ranking member for hosting today's hearing and the panel of witnesses for their testimony, and I yield back.

[The prepared statement of Ms. Trahan follows:]

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of
Representative Lori Trahan**

***Subcommittee on Innovation, Data, and Commerce Subcommittee Hearing on “Taking the
Buzzar Beater to the Bank: Protecting College Athletes’ NIL Dealmaking Rights.”***

March 29, 2023

Well, I thank the Ranking Member for yielding. Like many of our colleagues on the committee, I believe that Congress can and must act to create a level playing field for college athletics. We’ll no doubt hear today from our witnesses that the current patchwork of state laws is difficult for colleges and conferences to navigate. But as a former college athlete myself, I’m more concerned with how that same patchwork affects athletes.

When I was being recruited to play volleyball, I had to navigate that process alone. You know, my parents didn’t get a scholarship to college – in fact, many first-generation Americans, like my dad, didn’t have a choice but to start working right after high school. They did their best to help me, but the burden of navigating different scholarship offers and weighing the pros and cons of one school against another was stressful and at times daunting.

That was difficult enough 30 years ago without having to parse through different state laws to determine if going to school in New Mexico might be better from a NIL perspective than staying in my home state of Massachusetts. But that’s a challenge athletes are facing today. Make no mistake – the system of college athletics is better than it was two years ago. But there are emerging challenges – including inequity and collusion among collectives, predatory contracts, and Title IX loopholes – that we should address.

I would urge my colleagues that when we move the ball forward on this issue, we do so in a way that prioritizes the rights of athletes who have long been left out of discussions about the future of college athletics. There should not be a desire to return to the status quo that didn’t work for so many college athletes. We can’t put that genie back in the bottle, as they say. But we can work together to advance legislation that creates a level playing field, strengthens the rights of athletes, and preserves college athletics for generations to come.

I want to thank the Chair and Ranking Member for hosting today’s hearing, and the panel of witnesses for their testimony, and I yield back.

Mr. BILIRAKIS. Thank you so very much. So we have now concluded with Member opening statements. The Chair reminds Members that, pursuant to the committee rules, all Members' opening statements will be part of the record.

So our first witness is Jennifer Heppel, the commissioner of the Patriot League.

So you are recognized. Thank you so very much for being here. You are recognized for 5 minutes.

STATEMENTS OF JENNIFER HEPPEL, COMMISSIONER, PATRIOT LEAGUE; MAKOLA M. ABDULLAH, Ph.D., PRESIDENT, VIRGINIA STATE UNIVERSITY; TREY BURTON, FORMER NATIONAL FOOTBALL LEAGUE PLAYER; KALEY MUDGE, STUDENT-ATHLETE, FLORIDA STATE UNIVERSITY; PAT CHUN, DIRECTOR OF ATHLETICS, WASHINGTON STATE UNIVERSITY; AND JASON STAHL, EXECUTIVE DIRECTOR AND FOUNDER, COLLEGE FOOTBALL PLAYERS ASSOCIATION

STATEMENT OF JENNIFER HEPPEL

Ms. HEPPEL. Thank you. Thank you, Chairman Bilirakis and Ranking Member Schakowsky and all the members of the subcommittee. It is a great opportunity to be here today.

My name is Jennifer Heppel, commissioner of the Patriot League, which is one of 32 Division I conferences within the NCAA structure. I have been fortunate to spend my entire career—30 years so far, we will see how today goes—no, 30 years so far in college athletics at the national, institutional, and conference levels.

I was a women's ice hockey student-athlete in college, and that experience laid the foundation for my professional growth.

While the title of this hearing is specific to NIL, I have a sense we might touch on some other issues. So let me share some perspective from the Patriot League.

There are over 8,000 student-athletes competing on over 240 teams across the league. Collectively, that is 20 percent of our undergraduate student population. The Patriot League believes that participation in athletics is an important component of a well-rounded education.

The integrated student-athlete experience, the academic and personal growth of student-athletes, is primary. Being a student in the Patriot League and being an athlete in the Patriot League are not mutually exclusive. Our students are fully engaged in campus life. They live in dorms, eat in the dining halls, participate in study abroad, lead campus organizations, participate in internships, and they compete as Division I athletes.

This year's Patriot League Women's Basketball Player of the Year spent last summer as a business administration intern in Barcelona. This was through a scholarship sponsored by the business school at Lehigh University. A key contributor on our men's basketball championship team from Colgate, and a former Patriot League Rookie of the Year, spent last summer as a bunk counselor at a camp for children with special needs. He plans to pursue a master's in counseling and move into private therapy when he finishes playing.

Just a few years ago, on the day prior to being in the starting lineup for our men's basketball championship, I was honored to watch our then-Men's Basketball Player of the Year from Bucknell present a project with his senior design team to leadership at a medical center in northeast Pennsylvania. He earned his degree in biomedical engineering in 4 years and is now playing professional basketball overseas.

We have 8,000 young people on our campuses that share similar experiences. Those are just three. These are not employees of our institutions. They are students being provided comprehensive support so that they can experience and achieve academic and athletic excellence.

Just like all students on our campuses, Patriot League student-athletes are able to profit off their own name, image, and likeness. The League fully supports NIL opportunities. Many provide important professional networking, educational, career development, and service dimensions. NIL managed and regulated in a legitimate manner represents an area of constructive change and opportunity for student-athletes.

Unfortunately, the instability created by the multitude of State laws and the lack of transparency in the current structure is undermining the positive change. Finding a means toward appropriate national regulation around NIL is necessary to address these negative impacts.

Today's challenges are unique, but the fact that such challenges exist is not surprising. This is a national model. There are differing institutional characteristics and priorities to consider, and resulting perspectives will vary, but our solutions for the challenges must preserve and protect the universally considered positives of intercollegiate athletics, its connectivity to the educational mission, and the provision of opportunity for hundreds of thousands of young people.

Thank you.

[The prepared statement of Ms. Heppel follows:]



Today's Scholar-Athletes ~ Tomorrow's Leaders

Testimony of Jennifer Heppel
Commissioner, Patriot League

For the U.S. House of Representatives Energy & Commerce Committee,
Subcommittee on Innovation, Data, and Commerce
Hearing Entitled "Taking The Buzzer Beater To The Bank: Protecting College Athletes' NIL Dealmaking Rights."

Wednesday, March 29, 2023

Chairman Bilirakis, Ranking Member Schakowsky, and members of the Subcommittee on Innovation, Data, & Commerce, thank you for the opportunity to testify at this hearing. The following four key points are central to my testimony:

- The Patriot League believes that participation in athletics is an important component of a well-rounded education.
- Patriot League student-athletes graduate with meaningful degrees, are afforded the time and opportunity, and are expected to engage fully in academic pursuits. Student-athletes are not employees of an institution. They are students being provided comprehensive support so that they can experience and achieve academic and athletic excellence.
- The League fully supports name, image and likeness (NIL) opportunities. Many NIL endeavors provide important educational, professional networking, career development, and service dimensions. The development of a national standard around NIL rights is necessary to ensure fair access and opportunity.
- Patriot League institutions are committed to an athletics financial model that acknowledges the importance of the athletics experience to our students, campuses and communities. There is an expense to conducting such broad-based athletics programming, and that expense is accepted and managed appropriately within institutional budgets in a manner that supports overall institutional priorities.

The following is broader testimony supporting these key points. This narrative is important to fully understanding the values and guiding principles of the Patriot League, and our commitment to the student-athlete experience.

The Patriot League

The Patriot League is one of 32 Division I conference members of the NCAA. Full League members include American University, Boston University, Bucknell University, Colgate University, The College of the Holy Cross, Lafayette College, Lehigh University, Loyola University Maryland, the United States Military Academy and the United States Naval Academy. Associate members include Fordham University, Georgetown University, University of Richmond, and Massachusetts Institute of Technology.

There are over 8,000 student-athletes participating on over 240 Division I teams across the Patriot League. The League sponsors championship competition in 24 sports (11 for men; 13 for women). As a League, student-athletes represent 20% of our entire undergraduate student population.

While the League represents a very diverse group of institutions – small liberal arts colleges, Jesuit institutions, a leading private research institution, and two of the preeminent military service academies in the country – we are unified in our belief that participation in athletics is an important component of a well-rounded education. In fact, at Army and Navy, physical development is explicitly stated within the institutional missions.

The integrated student-athlete experience, the academic and personal growth of student-athletes, is primary within the League. Being a student and being an athlete in the Patriot League are not mutually exclusive. Our student-athletes are fully engaged in campus life. They live in the dorms, eat in the dining halls, participate in study abroad programs, lead campus organizations, pursue internship opportunities, and compete as Division I athletes.

The League expects our student-athletes to demonstrate commitment to both academic excellence and athletic competitiveness, and our institutions are committed to the quality of those experiences. Patriot League student-athletes graduate with meaningful degrees and are afforded time and opportunity to engage fully in academic pursuits. A guiding principle of the Patriot League is that our student-athletes are academically representative of the student body. From the admissions process through the undergraduate academic experience and graduation, student-athletes reflect our student population.

By League rule, student-athletes must graduate within four years and the athletic experience is restricted to that four-year undergraduate timeframe. Any exceptions to that standard are administered outside of the athletics department by institutional, academic officials and such exceptions must be grounded in academic - not athletic - rationale. Our overall Graduation Success Rate is 96.7% (96.2% for black student-athletes; 96.3% for white student-athletes). Based on data available via the NCAA Academic Performance Program, the Patriot League has the highest retention rates across all Division I conferences.

In order to protect and promote the academic success of our student-athletes, our institutions have adopted a League regulatory structure that prohibits the scheduling of League regular season contests during final exams. Further, to reduce the impact of travel on student-athletes, we are intentional about minimizing, to the extent possible, the conduct of midweek competition.

Name, Image and Likeness

Just like all other students, Patriot League student-athletes are able to profit off their own name, image and likeness (NIL). The League fully supports NIL opportunities as many provide important educational, professional networking, career development, and service dimensions, all of which assist in preparing student-athletes to make meaningful contributions to society, a stated vision of the League.

Within the League's footprint, two of the five states/D.C. (Maryland and Pennsylvania) have enacted NIL laws. Reporting of NIL transactions through the League office is not required. The League purchased a software platform, INFLCR Verified, to assist schools in education, compliance and tracking of NIL transactions. [Note: As student-athletes at Army and Navy are Federal employees, they are regulated by Federal law and regulation, which generally prohibit Federal employees from profiting off their NIL in their official capacities.]

NIL managed and regulated in a legitimate manner represents an area of constructive change and opportunity for student-athletes. However, national challenges in the NIL space, including the determination of fair market pay, as well as the engagement by outside entities in recruiting activities on behalf of an institution (i.e., recruiting inducements) and/or offering pay-for-play opportunities are well documented in the press and are clear violations of existing NCAA regulations. As a result of a myriad of state laws, as well as legal actions against the NCAA and our regulatory structure, the current environment results in little to no accountability or transparency, creating instability and undermining positive change. Finding a means toward national regulation around NIL is necessary to address these negative impacts.

Financial Environment

Eight Patriot League institutions provide a total of approximately \$95 million in athletics grants-in-aid annually. [Note: Army and Navy are excluded from this data point as the service academies do not provide merit grants.] This represents 44% of all athletics expenditures, making athletics scholarships the single largest athletics expense category at those institutions. Coaches' compensation represents just 18%, while administrative compensation represents 12% of our athletics expenditures.

While there are significant media-rights revenues earned by a very limited number of Division I conferences, this is not typical. In 2022-23, media-rights dollars earned by the Patriot League will represent less than \$1.5 million. Sixty percent (60%) of that revenue will be spent by the League office on broadcast-production costs. The remaining 40% will be distributed to our ten members.

Across our media platforms, the League and its schools broadcast almost 1,000 athletic contests/events per year. There is no net revenue from League media rights. Acknowledging that informs our approach. Our media contracts are designed to prioritize access and coverage so our alumni, families and fans can watch our student-athletes represent their institutions in competition. Our goal is to broadcast every single contest. Doing so is an expense that does not result in net media revenue, but, nonetheless, it is a League priority and a worthy investment because it benefits the student-athlete experience.

Athletics at our institutions does not produce a net revenue (difference between revenues generated from within athletics department and the athletics department expenses). We operate Division I athletics in a fiscally prudent, but appropriate manner, as determined by our institutions and aligned with League and institutional values. Appropriate investment in athletics is an important component of the educational experience.

Student-Athlete as Employee

Foundational to the Patriot League model is the effective integration of Division I athletics into the educational mission. This model has appropriately evolved over time, but it has never abandoned the importance of balancing the athletic and academic experience.

There is a multitude of pending rulings that will occur outside of the NCAA governing structure that could impact the determination of whether or not student-athletes must be considered employees of an institution. The most significant unknown at this time is if the legal outcomes will offer an alternative (i.e., non-

employee) path for the continued sponsorship of intercollegiate athletics within higher education. The absence of rulings or determinations that would allow for the legality of the current non-employee model to continue would likely represent a breaking point for the sponsorship of athletics programs at Patriot League institutions.

The idea that a student, who is fully participating in the academic and co-curricular opportunities available on our campuses, would be considered an employee of that institution as a result of that engagement, is incongruent with the mission and values of the Patriot League.

The Patriot League commitment is to prepare students to make meaningful contributions to society and I believe we live up to that commitment. It is an educational relationship, not an employee relationship.

Closing

Today's challenges are unique, but the fact such challenges exist is not surprising. This is a national model and there are differing institutional characteristics and priorities to consider and resulting perspectives will vary. Solutions for the challenges must preserve the universally considered positives of intercollegiate athletics – its connectivity to the educational mission and provision of opportunity to hundreds of thousands of students.

Thank you for your time.

Mr. BILIRAKIS. Thank you. Appreciate it very much.

Next we will have Dr. Makola Abdullah, the president of the Virginia State University, and you are recognized, sir.

Thanks for being here. You are recognized for 5 minutes.

STATEMENT OF MAKOLA M. ABDULLAH, PH.D.

Dr. ABDULLAH. Thank you, sir. Chairman Bilirakis, Ranking Member Schakowsky, members of the committee, and members of the subcommittee, I am Makola Abdullah. I serve as the president of Virginia State University, a historically black college located in Chesterfield County just outside of Petersburg, Virginia.

I serve as a member of the Presidential Board of Advisors on HBCUs, chaired by Tony Allen of Delaware State University, and I am also the past chair of the Central Intercollegiate Athletic Association, the CIAA, the oldest and the—well, the first and the oldest, I guess that would be the same thing—historically black university athletic conference in the country. Our current chair is Dr. Aminta Breaux of Bowie State, and our commissioner is Ms. Jacqie McWilliams.

Our Division II athletic programs at Virginia State University are led by Mrs. Peggy Davis, the best athletic director in the country, and we currently offer 21 intercollegiate athletic sports, including recently added men's and women's soccer and men's and women's lacrosse.

Again, I would like to thank you for the opportunity to participate, to discuss college athletes' rights to the name, image, and likeness. While I was afforded an abundance of opportunities during my collegiate career, my athletic talents, unfortunately, did not afford me the opportunity to participate on an NCAA sports team at Howard University.

I am, however, an avid fan and supporter of college athletics and college athletes, and particularly the young men and women who suit up in the orange and blue, the Trojan orange and blue.

As president, my goal is to be a part of an institution that changes lives through education and prepares our students to enter the world as savvy global citizens, lifelong learners, and generational change agents. At Virginia State University, our athletics program is supported by student fees. While college sports has become a multibillion-dollar business, there are many institutions like ours where athletics is still very much an amateur extra-curricular program.

It is important to remember that there are three divisions of athletics, and they are not all created equally. For some universities like Virginia State University, again, athletics is not revenue generating. We are not one of the major Division I institutions. And while we are not, I fully believe, though, that it is all of our responsibility to make sure that everyone who participates in college athletics has the right to reap the benefits of their labor.

Virginia State University, other HBCUs, and Division II and III institutions have been competing against major universities for students, student-athletes, faculty, staff, administrators, Federal grants, private philanthropic dollars, for many years.

We are not afraid of competition, and we believe that we can successfully recruit student-athletes who understand the trans-

formative nature of our—of HBCUs who believe in our mission and understand the longstanding tradition of excellence at our university.

I am sure that all of you are aware that, according to the NCAA, student-athletes are not required to disclose the amount of their NIL deals. However, at Virginia State University, we are aware of five student-athletes who have currently disclosed an NIL deal. That is a total of—from over 300 athletes—student-athletes at VSU. If I was to estimate the total value of these NIL deals, I am sure that it would be less than \$10,000.

The NIL experience is unique to individual institutions because the revenue generated differs among all of our institutions. It is paramount that we provide our athletes with the proper tools to manage the responsibilities that come with these NIL deals. Therefore, at VSU we provide financial literacy and marketing education for our student-athletes. We continue to teach and educate young men and women to maximize their ability to make money from their talents and brands.

I better move quickly.

As leader of a proud HBCU, we have—we have been concerned about our institution's systematic underfunding since our founding. At the State level, our previous Governor, Ralph Northam, and our current Governor, Glenn Youngkin, and our State legislature have tried to address the issue.

I do know that on the Federal level Congresswoman Alma Adams, Congressman French Hill, and Senators Chris Coons and Tim Scott of the bipartisan HBCU Caucus, and our Virginia delegation led by Congressman Bobby Scott, Congresswoman Abigail Spanberger, and Congresswoman Jennifer McClellan, with Senators Tim Kaine and Mark Warner, are stalworth advocates for addressing these issues.

While that is not the issue on the table today, it must be considered in the context of this conversation, because students and student-athletes look at all of a university—all that a university has to offer when considering where to attend college: your sports facilities, your stadiums and classrooms, your libraries and infrastructure. But I will not belabor that point as of course that is literally a hearing for another day.

Thank you very much, sir.

[The prepared statement of Dr. Abdullah follows:]

House Energy and Commerce Committee
Subcommittee on Innovation, Data, and Commerce

College Athletes' Rights to Their Name, Image, and Likeness

Makola M. Abdullah, Ph.D.
President, Virginia State University
Written Testimony

March 29, 2023

Chairman Bilirakis, Ranking Member Schakowsky, Chairwoman Rodgers and Members of the Committee.

I am Makola M. Abdullah. I serve as the President of Virginia State University, a Historically Black College and University or HBCU located in Chesterfield County, just outside of Petersburg, Virginia. I further serve as a member of the Presidential Board of Advisors on HBCUs chaired by Dr. Tony Allen of Delaware State University. And I am also the past chair of the Central Intercollegiate Athletic Association or CIAA, the first Historically Black College and University athletic conference in the country. Our current chair is Dr. Aminta Beaux from Bowie State University, and our commissioner is Ms. Jacqui McWilliams. Our Division II athletic programs at Virginia State University are led by Ms. Peggy Davis, the best Athletic Director in the country. We offer 21 collegiate sports, including our recently added men's and women's soccer and lacrosse teams.

Again, thank you for the opportunity to participate in this hearing to discuss College Athletes' Rights to Their Name, Image, and Likeness.

While I was afforded an abundance of opportunities during my collegiate career, my athletic talents did not afford me the opportunity to participate on an NCAA university sports team while

at Howard University. I have, however, been an avid fan and supporter of all collegiate athletics and college athletes, particularly the young men and women who suit up in the Trojan orange and blue. As President, my goal is to be a part of an institution that changes lives through education and prepares our students to enter the world as savvy global citizens, lifelong learners and generational change agents.

Why is the NIL necessary?

At Virginia State University, our athletics program is supported by student fees. While college sports has become a multi-billion-dollar business, there are many institutions, like ours, where athletics is still very much an amateur extra-curricular program.

It is important to remember that there are three divisions of athletics. And they are not all created equally. For some universities, like Virginia State University, athletics is not revenue-generating. Though we are not one of the major Division 1 institutions, I fully believe that it is up to everyone who participates in our system of college athletics, to fight for the ability of the young men and women who compete on teams at universities that generate revenue, to reap some of the benefits of their labor.

VSU and other HBCUs and Division Two and Three institutions have been competing against the major universities for students, student-athletes, faculty, staff, administrators, federal grants, and private philanthropic dollars for many years. We have been successfully recruiting student-athletes who understand the transformative nature of an HBCU, believe in our mission, and understand the longstanding tradition of excellence at our university.

We believe we are in a great position to partner with student-athletes who have already developed a brand and are interested in growing that brand by partnering with our institution. In that way, I believe that NIL, when fully realized, will be of great benefit to HBCUs and other smaller institutions.

We are educating our student-athletes regarding NIL.

I am sure you are aware that according to the NCAA, student-athletes are not required to disclose the amount of their NIL deals. However, at VSU, we are aware of five student-athletes who have disclosed a current NIL deal. That is out of a total of 316 student-athletes. If I were to estimate the total value of those NIL deals, I believe it would be less than \$10,000. The NIL experience is unique to individual institutions because the revenue generated differs among those institutions.

It is paramount that we provide our athletes with the proper tools to manage the responsibilities that come with these NIL deals. Therefore, at VSU, we provide financial literacy and marketing for our student-athletes. We continue to teach and educate young men and women to maximize their ability to make money from their talents and brands.

At VSU, a professional agent engages with and shares wisdom with our student-athletes. We want our student-athletes and all students to build their brands, build meaningful career skills, create current and future opportunities, and, as a byproduct, represent themselves and the institution at the highest level of professionalism.

All Funding Matters for our Student-Athletes

As the leader of a proud HBCU, we have been concerned about our institutions' systematic underfunding since our founding. At the state level, our previous governor Ralph Northam, our current Governor, Glenn Youngkin, and our State legislature have tried to address the issue. I do know that on the federal level, Congresswoman Alma Adams, Congressman French Hill, and Senators Chris Coons and Tim Scott of the Bipartisan HBCU Caucus and our Virginia Delegation led by Congressman Bobby Scott and Congresswoman Jennifer McClellan with Senators Tim Kaine and Mark Warner are stalwart advocates for addressing these issues. While that is not the issue on the table today, it must be considered in the context of this conversation because students and student-athletes look at all a University has to offer when considering where to attend college. Your sports facilities, your stadiums, your classrooms, your libraries, your infrastructure, your alumni and boosters, etc. But I will not belabor that point, as that is literally a hearing for another day.

Student-Athletes Need Transparency, Partnership, Education, and Consistency

In the case of our conference, the CIAA, we serve 13 Division II institutions, including seven private and six public institutions with more than 3,000 student-athletes that are 90% African American, most of which tend to be first-generation college students.

CIAA schools span five (5) states with different laws to support NIL, including Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina. Although individual states have opened doors for these athletes to explore the market, the laws need to be consistent with uniform guidelines to regulate, enforce and support the interest of the student-athletes.

NIL regulations differ widely from state-to-state, and universities must be more consistent in their education and support. This lack of consistency and transparency makes it more difficult for athletes to assess, negotiate, or bargain for their true value. A system that keeps athletes in the dark will, by definition, be exploitative. We need to empower student-athletes by providing transparency. Creating a level playing field and protecting student-athletes from exploitative tactics is necessary. Standardized terms and tiered deal structures would generate predictability and stability in the market while allowing student-athletes to create multiple income streams.

Putting essential safeguards in place will protect athletes' brands and economic futures. Parameters surrounding the endorsement of adult products and entertainment, such as alcohol, tobacco products, gambling, etc., might also be considered from a public policy perspective to encourage responsible and age-appropriate usage of these products and to protect bad decision-making that affects the future economic prospects of our student-athletes, particularly those who come from communities that are vulnerable to disparate health outcomes, predatory lending, and financial exploitation. A proposed structure would need to support financial planning, social media presence, and tax and accounting issues. Colleges and universities aim to educate and enlighten the whole student, and our programs and offerings regarding NIL should consider the student-athletes' abilities and possibilities holistically.

Conclusion

In closing, as universities, we need to educate because, after all, that is our mission and our business. That education must include providing the correct information and a pathway for

students to select beneficial partnerships and possess financial literacy so that they may reap the benefits of these NIL deals long after graduation.

There must be a true partnership between the NCAA, the member institutions, and the student-athletes. Our name, image, and likeness are all intertwined.

NCAA student-athletes, especially our Virginia State University student-scholars, show an unparalleled commitment to their craft. That unparalleled commitment and dedication leads to my unequivocal support of legislation that provides a single national standard for collegiate athletes to market their name, image, and likeness.

Thank you again for inviting me and I look forward to your questions.

Mr. BILIRAKIS. Appreciate it very much. Thank you.

Our next witness is Mr. Trey Burton, a former National Football League player. And did I mention he played his college ball at the University of Florida?

OK. Well, anyway, sir, thank you for being here. We appreciate it, and I recognize you for 5 minutes.

STATEMENT OF TREY BURTON

Mr. BURTON. Thank you. Good morning, Chair Rodgers, Ranking Member Pallone, Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the committee. I want to thank you for the opportunity to testify before you today on the issue of name, image, and likeness.

My name is Trey Burton. I am a former collegiate athlete from the University of Florida. Go Gators.

I was then fortunate enough to play 7 years in the NFL: 4 years with the Eagles, 2 years with the Bears, and 1 year with the Colts. I currently reside in Tampa, Florida, with my wife and three children.

The University of Florida has a very special place in my heart. From the age of 6, I dreamed about wearing the orange and blue. I will never forget the day that Urban Meyer called and offered me a scholarship, which I committed right on the spot. The list of things that make UF special to me are too long to talk about today, but two things that will forever have a lasting impression on my life are the Gator brand and the relationships I have made there during my time.

One of the reasons I believe I am a credible—I am credible to talk about the issues in question today is the fact that I have seen my sport from the lowest level at the age of 5 and to the highest level when I retired at the age of 30. I had my breakout game in my freshman season and had a great amount of success early on in my time at the university.

I would have been a perfect candidate and benefited greatly from NIL. I got married and had my first child my junior year at Florida, and the resources I could have potentially received would have benefited my family and gone a long way at that time.

As a 7-year NFL veteran, I can also testify to how the sport changes if you are fortunate enough to make the jump from amateur sport to professional sport. The peace of mind a scholarship gives you compared to a nonguaranteed NFL contract is like comparing apples to oranges. They are completely different worlds.

The business side of the NFL is complex. But having successfully walked through those contracts, it is important for me to speak on those differences and properly equip student-athletes for that transition.

We have an opportunity with NIL to ensure that the business deals benefit student-athletes rather than harm them or set them up poorly in the long run. As many of you are aware, college football has changed or college athletics have changed dramatically over the last 18 to 22 months.

There has been a lot of debate over whether these changes have been good or bad for collegiate sports. The evolution of NIL has

happened so fast that many would argue that it is like the wild west for colleges and student-athletes alike.

The line between amateur sports and professional sports seems to be getting blurrier and blurrier every day. States like California have proposed legislation to equal revenue sharing between athletic programs and student-athletes. There are even efforts to make all student-athletes employees of the universities that they attend.

I would like to first start by stating that I believe NIL is here to stay, and I believe that college athletes should be able to get paid as much as legally possible from the marketplace for their name, image, and likeness.

In my opinion, the good that has come with NIL has heavily outweighed the bad. We are now seeing athletes able to profit not only off their name, image, and likeness, but also off business ventures, endorsement deals, and marketing opportunities, which I, 10 years ago, never had the chance to do.

There are also amazing stories of athletes giving back to their communities and spreading awareness to organizations that are near and dear to their hearts. Some of these young adults are even able to use their funds to take back home and to take care of their family, which would have never been possible prior.

When I was playing, athletes had to choose whether to make money or pursue the sport of their dreams and gain an education. I am so glad that is no longer the case now.

On the other hand, some of the negatives I have heard and seen with NIL are first and foremost how every State has their own laws and rules and regulations regarding how NIL is used. This is especially dangerous with the use of NIL in recruiting. There is evidence that NIL is currently being used as a recruitment tool for both high school athletes as well as potential transfer athletes.

NIL was never intended to be used as pay-for-play. One of the worst examples of pay-for-play would be to make these athletes employees of the universities. Not only do universities not want this, but I believe that this is where amateur sport crosses the line into professional sport.

The other issue I have has been a lack of transparency regarding the language of some of the deals that the athletes have been given or have already accepted, and there have been reports of agents taking up to 30 percent in fees, which is unbelievable, and also athletes signing away their intellectual property in some cases and access to their social media, which is crazy as well.

If we don't establish a uniform set of rules with clear guidelines, these issues will only magnify, allowing student-athletes to be taken advantage of or caught in the middle.

As a former Division I athlete, I can tell you that my fear in this is that these athletes have been thrown in the fire with limited resources, no infrastructure to help them succeed and to protect them from bad actors. There needs to be a uniform set of NIL rules that everybody has to play by no matter where the student plays or how large or small the school or the sport is.

We need to make it a priority now more than ever to educate our student-athletes how to take proper advantage of their financial opportunities.

Thank you.

[The prepared statement of Mr. Burton follows:]

**Opening Statement on “Protecting College Athletes’ NIL
Dealmaking Rights” Hearing – U.S. House of
Representatives Energy & Commerce Committee**

Trey Burton

March 29, 2023

Introduction

Good morning Chair Rodgers, Ranking Member Pallone, Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the Committee. I want to thank you for the opportunity to testify before you today on the issue of name, image, and likeness (NIL) compensation for student-athletes.

My name is Trey Burton, and I am a former collegiate athlete from the University of Florida, Go Gators. I was then fortunate enough to play 7 years in the National Football League (NFL) with the Philadelphia Eagles (4 years), Chicago Bears (2 years) and Indianapolis Colts (1 year). I currently reside in Tampa, Florida with my wife and 3 children.

My college experience

The University of Florida has a very special place in my heart. From the age of 6, I dreamed about wearing orange and blue. I will never forget the day that Urban Meyer called and offered me a scholarship - which I committed to right on the spot. The list of things that make UF special to me are too long to talk about today, but two things that will forever have a lasting impression on my life are the Gator brand, and the relationships I made during my time there the professionals that stood in the gaps for me and helped me succeed.

One of the reasons I believe I’m credible to talk about the issues in question today is the fact that I have seen my sport from the lowest level at the age of five to the highest level at the age of 30. I had my breakthrough game in my freshman season, (setting the record for TD in a single game(6)) and had a great amount of success early on in my time at the university - I would have been a perfect candidate and benefitted greatly from NIL.

I got married and had a my first child in my junior year at Florida. The resources I could’ve potentially received would’ve benefited my family and gone a long way at the time. As a 7 year NFL veteran I can also testify to how the sport changes IF you’re fortunate enough to make the jump from amateur sport to professional sport. The peace of mind a scholarship gives you compared to that of a non-guaranteed NFL contract is apples-to-oranges. They are different worlds. The business side of the NFL is complex

but having successfully walked through those contracts it is important to me to speak on those differences and properly equip student athletes for that transition. We have an opportunity with NIL to ensure that the business deals benefit student athletes, rather than harm them or set them up poorly in the long run.

Thoughts on current state of college football

As many of you are aware, college football has changed dramatically over the last 18 to 22 months. There has been a lot of debate over whether these changes have been good or bad for collegiate sports. The evolution of name, image, and likeness has happened so fast that many would argue that it's like the wild west for universities and athletes alike. The line between amateur sports and professional sports seems to be getting blurrier every day. States like California have proposed legislation to equal revenue sharing between athletic programs and student athletes. There are even efforts to make all student athletes employees of the universities that they attend. I'd like to first start by stating that I believe NIL is here to stay. I also believe that college athletes should be able to get paid as much as legally possible from the marketplace for their name, image, and likeness.

NIL Positives

In my opinion, the good that has come with NIL has heavily outweighed the bad. We are now seeing athletes be able to profit off of not only their name, image and likeness, but also off of business ventures, endorsement deals, and marketing opportunities, which I, 10 years ago, never got the chance to do. There are also amazing stories of athletes giving back to their communities and spreading awareness to areas and organizations near and dear to their hearts. Some of these young adults are even able to use their funds to take care of their family back home, which would've never been possible prior. When I was playing, athletes had to choose whether to make money or pursue the sport of their dreams and gain an education. I'm so glad that's no longer the case now.

NIL Negatives

On the other hand, some of the negatives I have heard and seen with NIL are first and foremost how every state has their own laws, rules, and regulations regarding how NIL is used. This is especially dangerous with the uses of NIL in recruiting. There is evidence that NIL is currently being used as a recruitment tool for both high school athletes as well as potential transfer athletes. NIL was never intended to be used as pay-for-play. One of the worst examples for pay-for-play would be to make these athletes employees of their universities. Not only do universities not want this, but I believe this is where amateur sport crosses the lines into professional sports. Another issue we have seen has been a lack of transparency regarding the language in some of these deals that the athletes have been given and or have already accepted. There have been reports of agents taking up to 30% in fees and reports of athletes signing away their intellectual property

including in some cases, access to their social media accounts. If we don't establish a uniform set of rules with clear guidelines, these issues will only magnify allowing student athletes to be taken advantage of or caught in the middle.

In conclusion

As a former division 1 athlete, I can tell you that my fear is that these student athletes have been thrown into a fire with limited resources and no infrastructure to help them succeed and protect them from bad actors. There needs to be a uniform set of NIL rules that everybody has to play by, no matter where the student plays or how large or small the school or sport is. We need to make it a priority now more than ever to educate our student athletes about how to take proper advantage of their financial opportunities, so that they can be set up for success now and in the future. We've got to find a way to remove NIL from recruiting and stay as far away from any pay-for-play model as possible to keep the integrity of these exciting, life-changing sports.

Thank you again for the opportunity to speak before you today, and I look forward to answering your questions.

Mr. BILIRAKIS. Appreciate it very much. Hey, Trey, I dreamed about it too, but it never happened for me.

[Laughter.]

Mr. BILIRAKIS. I ended up in Congress.

[Laughter.]

Mr. BILIRAKIS. Our next witness is Kaley Mudge, a student-athlete from Florida State University. And thank you so very much for being here, particularly since the season is still going on for you. So I recognize you for 5 minutes. Thank you.

STATEMENT OF KALEY MUDGE

Ms. MUDGE. Thank you. Chairwoman McMorris Rodgers, Ranking Member Pallone, Mr. Bilirakis, Ms. Schakowsky, and distinguished members of the Energy and Commerce Committee, thank you for providing me with the opportunity to testify before you on the important topic of protecting NIL rights for college athletes.

Good morning. My name is Kaley Mudge. I am a red-shirt junior outfielder on the Florida State softball team, and I am from Winter Springs, Florida.

I am currently majoring in exercise science and will be graduating this spring. My goal is to go to nursing school when my eligibility is finished.

I would first like to thank you for the opportunity to be here today and speak to you about my experiences as a college student-athlete. Florida State has truthfully changed my life in the past 4 years. I have seen myself grow into the best version of myself as a student, as an athlete, and as a person.

I chose Florida State because from the moment I stepped on campus it felt like home. I wanted to find a program and an institution that felt like a community, and I found that at FSU. The professors, coaches, administrators, and students have made my 4 years such a great experience.

The culture of the softball program specifically is such a family, and I am blessed to find that in a national championship program. My coaches, athletic trainer, nutritionist, strength coach, and teammates have all helped me become my best self, and I wouldn't be where I am today without them.

I came into FSU as a partial academic and athletic scholarship recipient. When NIL came into play in 2021, I was very excited for the chance to start earning money to help further pay for my education.

My experience with NIL has been a very positive experience. I have gotten the opportunity to learn so much about the professional world as a college student, including how to read contracts, how to negotiate deals, and how to earn and save money. As an Olympic-sport athlete on a partial scholarship, NIL has been extremely beneficial to me because I am able to help pay for my tuition to hopefully come out of college with little debt. One specific deal that I am involved in now has given me the opportunity to start saving money for nursing school when I am done playing softball.

NIL has served as an effective means for comprehensive life skills education, given the multifaceted nature of this issue. This includes financial literacy training, contract review, personal

branding, business formation, and responsible social media strategies.

Like many universities across the NCAA, Florida State University has developed a comprehensive education program to provide student-athletes with knowledge, resources, and support to navigate the NIL environment. This includes the creation of three separate NIL-related courses in partnership with the College of Business and School of Entrepreneurship, sport for contractor—support for contract review through the College of Law, cobranding opportunities through the use of institutional marks and logos, and expansion of current university partnerships to develop opportunities relative to NIL.

In addition to the support provided by the institution, the collective has provided additional resources in the NIL space, specifically in identifying and securing new NIL opportunities, understanding market value, and facilitating group licensing opportunities for myself and other student-athletes. Specifically, I am an ambassador for our FSU collective, and this is the deal that is helping me pay for nursing school.

Given that we compete for national championships, it is imperative that we have uniform NIL guidelines and expectations as opposed to the current framework of disparate or nonexistent State laws and regulations. These national standards should guarantee student-athletes the ability to pursue NIL opportunities. These standards should also ensure a healthy recruiting environment to promote fairness and equity, along with a measure of transparency to support the NIL marketplace.

As we celebrate 50 years of Title IX, it is important that the opportunities for participation and access to higher education, specifically for underrepresented populations, are supported and ensured. There are many threats throughout legislation and litigation that would undermine this model.

Throughout college athletics, and specifically at Florida State, student-athletes receive the highest forms of healthcare support, including medical coverage for athletic injuries beyond graduation and eligibility. We continue to expand access to enhanced nutrition and mental health resources, and we also receive first-class academic support and resources, such as advisors and tutors.

These benefits enjoyed by student-athletes across the country would not be possible without the legal protections under Title IX and the redistribution of revenue across all sponsored sports. The creation of an employee-employer model would significantly threaten this current dynamic and alter everything we know about how sports outside football and men's basketball are supported.

NIL has provided me with so many opportunities in the past 2 years, and it has made my experience even better as a college student-athlete.

Thank you again for your time and for the opportunity to be here today.

[The prepared statement of Ms. Mudge follows:]

Congressional Personal Statement of Kaley Mudge
U.S. House of Representatives Energy & Commerce Committee
March 29 2023

Chairwoman McMorris-Rodgers, Ranking member Pallone, Mr. Bilirakis, Ms. Schakowsky, and distinguished members of the Energy & Commerce Committee, thank you for providing me with the opportunity to testify before you on the important topic of “Protecting NIL Rights for College Athletes”.

My name is Kaley Mudge. I am a redshirt junior outfielder on the Florida State University softball team, and I am from Winter Springs, Florida. I am currently majoring in exercise science and will be graduating this spring. My goal is to go to nursing school when my eligibility is finished. I would first like to thank you for the opportunity to be here today. I am so grateful to be able to speak to you about my experiences as a college student-athlete. Florida State has truthfully changed my life in the past four years. I have seen myself grow into the best version of myself as a student, as an athlete, and as a person. I chose Florida State because the moment I stepped on campus, it felt like home. I wanted to find a program and an institution that felt like a community, and I found that at FSU. The professors, coaches, administration, and students have made my four years such a great experience. The culture of the softball program is such a family, and I am blessed to find that in a national championship program. My coaches, athletic trainer, nutritionist, strength coach, and teammates all help me become my best self.

I came into FSU as a partial academic and athletic scholarship recipient. When NIL came into play in 2021, I was very excited for the chance to start earning money to help further pay for my education. My experience with NIL has been a very positive experience. I have gotten the opportunity to learn so much about the professional world as a college student. I’ve been able to learn how to read contracts, how to negotiate deals, and how to earn and save money. I have also been able to learn how to brand myself to make deals and earn money as well. NIL has been extremely helpful to me as an Olympic sport athlete on a partial scholarship because I am able to help pay for my tuition to hopefully come out of college with little debt. One specific deal that I am involved in right now has given me the opportunity to start saving money for nursing school when I am done playing softball. This deal will be very helpful to me since I will be paying full tuition with no scholarships when I go to nursing school.

NIL has served as an effective vehicle for comprehensive life skills education given the multifaceted nature of the issue. This includes financial literacy training, contract review, personal branding, business formation, and responsible social media strategies.

Like many universities across the NCAA, Florida State University has developed a comprehensive NIL education program to provide student-athletes with knowledge, resources and support to navigate the NIL environment. This includes the creation of three separate degree-applicable, NIL-related courses in partnership with the College of Business and the School of Entrepreneurship, support for contract review through the College of Law, co-branding opportunities for student-athletes through use of institutional marks and logos, and

expansion of existing university partnerships to develop new opportunities for student-athletes relative to NIL.

In addition to the support provided by the institution, the collective has provided additional resources in the NIL space, specifically in identifying and securing new NIL opportunities, understanding market value, and facilitating group licensing opportunities for myself and many other student-athletes.

Given that we compete for national championships, it is imperative that we have uniform guidelines and expectations relative to NIL as opposed to the current framework of disparate or non-existent state laws and regulations. These national standards should guarantee student-athletes the ability to pursue NIL opportunities, including international students-athletes, while also ensuring a healthy recruiting environment to promote fairness and equity, along with some measure of transparency to support the long-term sustainability of the NIL marketplace and help student-athletes understand their true market value.

As we celebrate 50 years of Title IX, it is important that we ensure the opportunities for participation and access to higher education, particularly for underrepresented populations, are fostered and ensured. There are many threats through legislation and litigation that would undermine this model.

Throughout college athletics, and in particular at Florida State, student-athletes receive the highest forms of healthcare support, including medical coverage for athletic injuries beyond graduation and exhaustion of eligibility. We continue to expand access to enhanced nutrition and mental health resources, and enjoy degree-completion guarantees and first-class academic support and resources.

These benefits enjoyed by student-athletes across the country would not be possible without legal protections under Title IX and the redistribution of revenue across all sponsored sports. The creation of an employee-employer model would significantly threaten this current dynamic and alter everything we know about how sports outside of football and men's basketball are supported.

NIL has provided me with so many opportunities in the past two years, and it has made my experience even better as a college student-athlete. Thank you again for your time and for the opportunity to be here today.

Mr. BILIRAKIS. Thank you very much. Thank you for your testimony. It was excellent.

Our next witness is Pat Chun, who is the director of athletics from Washington State University. You are recognized, sir, for 5 minutes.

STATEMENT OF PAT CHUN

Mr. CHUN. Thank you, and good morning. And subcommittee Chair Bilirakis, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today to discuss protecting name, image, and likeness rights for college student-athletes.

My name is Pat Chun. I have worked in college athletics for over 25 years and currently serve as the director of athletics at Washington State University.

WSU is a public land-grant research institution. Our athletics program sponsors 17 varsity sports comprised of nearly 500 student-athletes, including the reigning Pac-12 Conference women's basketball champions.

The mission of WSU athletics is to unleash excellence and provide a transformational student-athlete experience. WSU athletics prides itself on being one of the most fiscally efficient athletic departments in the country, with our budget consistently ranked amongst the lowest in the Power Five conferences.

Our student-athletes currently hold a school record 3.22 cumulative grade point average, graduate at an 8 percent higher rate than the general student population, while also earning a 91 percent NCAA graduation success rate, the highest in school history. Also, more than 20 percent of our student-athletes are first-generation college students.

College athletics is facing significant challenges with no simple solutions. Last year I met weekly serving on the 21-member NCAA Division I Transformation Committee. At our conclusion, recommendations were submitted to the NCAA Division I Board of Directors and approved in January.

These recommendations introduced the holistic model for student-athletes, setting expectations for the support of their health, safety, and well-being, called for elevating the championship experience, and created a fairer, faster, and equitable NCAA governance model. Nevertheless, significant challenges remain in college athletics.

The primacy of academics is at the foundation of every institution of higher education. While college athletics has evolved into a multibillion-dollar industry, our mission remains to educate young people and prepare them for their respective futures.

Proposed State legislation and ongoing litigation may impact student-athlete employment status, and the issue threatens to cause irreparable damage to the student-athlete experience. Certain aspects of a potential employer-employee relationship should be considered with caution. The notion that a student-athlete could be fired for underperformance undermines the very core of the educational mission.

Additionally, transitioning to employment status could erode many of the benefits and guarantees that student-athletes currently receive through potential tax implications.

Lastly, if one group of student-athletes becomes employees, such as those in high-revenue-producing sports, demands and legal claims could be made that all student-athletes should become employees. The financial impact could lead to the reduction of opportunities for broad-based participation on campuses around the country, resulting in significant Title IX implications threatening generations of hard-fought progress in women's sports.

NIL was intended to be the next significant benefit for student-athletes. Like any other student on campus, the student-athletes deserve the right to monetize their NIL based on the reputation and platform. Although true NIL provides tremendous opportunities for student-athletes, the existing environment consists of recruiting inducements, tampering, and ultimately pay-for-play, and is wrought with pitfalls and misinformation. Recent reports in the media suggest that current student-athletes across the country are being approached with empty promises which lead to false expectations.

There is a probability that inequity exists in the NIL marketplace. One example is from research provided by Navigate, a sports data and valuation company. The research focused on compensation for influencers states that approximately 77 percent of the general—meaning noncollege athletics—NIL compensation is earned by women.

Comparatively, the research suggests women student-athletes are receiving just 16.2 percent of the college athletics NIL compensation. These numbers support the widespread belief that the collegiate athletics NIL market is not reflective of the true value of a student's NIL.

Without disclosures, institutions and student-athletes are not able to properly assess NIL opportunities for fairness and equity. By shielding accurate and required transactional information, third parties have profited from the uninformed decisions of student-athletes. Only with transparency, oversight, and uniform regulation will unscrupulous third parties begin to act with the best interests of student-athletes at heart.

On behalf of Washington State University and our president, Kirk Schulz, we are committed to being a part of the solution. We respectfully ask Congress to partner with the NCAA and our member institutions to develop Federal standards that provide transparency and enforceable safeguards to mitigate the negative impact of the existing NIL environment. This will help ensure student-athletes benefit from the full potential of their NIL.

It is also vital that we affirm the current relationship between student-athletes and institutions. WSU supports meaningful oversight that provides protection and value to the student-athlete and ensures that institutions and outside entities are complying with standardized rules and governing policies.

Thank you.

[The prepared statement of Mr. Chun follows:]



**Written Testimony of Patrick Chun
Director of Athletics
Washington State University**

before the

Committee on Energy & Commerce, Subcommittee on Innovation, Data and Commerce

**U.S. House of Representatives
Wednesday March 29, 2023**

Madam Chair McMorris Rodgers, Ranking Member Pallone, Subcommittee Chair Bilirakis, Ranking Member Schakowsky, Congresswoman Schrier, from the state of Washington, and distinguished members of the House Energy and Commerce Subcommittee on Innovation, Data and Commerce, thank you for the opportunity to appear before you today to discuss protecting Name, Image and Likeness (NIL) rights for college student-athletes.

On behalf of Washington State University and our President Kirk Schulz, thank you Congresswoman McMorris Rodgers for the leadership you provide to eastern Washington. Specific to NIL, we are appreciative of you and your staff leaning in and learning more about this important topic by continuing to engage directly with our President, student-athletes, and our Athletics staff.

My name is Patrick Chun. I have worked in college athletics for over 25 years and currently serve as the Director of Athletics at Washington State University (WSU). As the son of two

immigrants from South Korea, I hold the distinction of being the first and only Asian American to serve as a Director of Athletics at a Power Five conference institution. Prior to coming to WSU in 2018, I served five years as the Director of Athletics at Florida Atlantic University, where the athletics program sponsored 18 varsity sports. I began my college athletics career at my alma mater, The Ohio State University, where I spent 15 years in numerous roles supporting the more than 1000 student-athletes across 36 varsity sports.

WSU is a public land-grant research institution with five physical campuses across the state of Washington and one global campus, with the main campus located in the Eastern Washington town of Pullman. The Pullman campus is the largest of our five campuses serving 17,827 undergraduate and graduate students. Our athletics program sponsors 17 varsity sports comprised of nearly 500 student-athletes, including the reigning Pac-12 Conference women's basketball champions. The mission of the WSU Department of Athletics is to unleash excellence and provide a transformational student-athlete experience. WSU Athletics prides itself on being one of the most fiscally efficient athletic departments in the country. Our student-athletes continue to perform at extraordinary levels, both in the classroom and on their fields of competition, despite our budget consistently ranking amongst the lowest at the Power Five conference level. Our student-athletes currently hold a school-record 3.22 cumulative grade point average and most recent reporting shows that WSU student-athletes graduate at an eight percent higher rate than the general student population, while also earning a 91% NCAA Graduation Success Rate, the highest in school history. Making these achievements even more impactful, more than 20 percent of our student-athletes are first-generation college students.

Washington State University is positioned in leadership roles throughout college athletics. President Schulz currently sits on the College Football Playoff Board of Managers and the Pac-12 Conference Board of Directors Executive Committee. Later this year, he will assume the role of chair of the Pac-12 Executive Committee. In 2015, President Schulz served as chair of the NCAA Board of Governors. Last year, I was honored to serve on the 21-member NCAA Division I Transformation Committee, which included presidents, faculty athletic representatives, directors of athletics, senior woman administrators and former student-athletes. The Transformation Committee was charged with identifying opportunities to modernize college sports and putting forth recommendations. Success was measured in part by whether our recommendations elevate the experience of today's student-athletes. Previously, I served on the NCAA Constitution Committee, chaired by former Secretary of Defense Dr. Robert M. Gates. The Constitution Committee was charged with redrafting the principles, governing structure and membership commitments found in the NCAA Constitution. Currently, I serve on the NCAA Division I Council, a body responsible for the legislative oversight of Division I athletics. Also, I am the First Vice President of the National Association of Collegiate Directors of Athletics, a professional association for those in the field of athletics administration, providing educational opportunities, as well as serving as a vehicle for networking and the exchange of information. Along with President Schulz, our leadership positions in college athletics have uniquely positioned WSU to understand the impacts of NIL and to provide education and guidance for today's student-athletes on this important issue.

WSU takes great pride in the programs we deliver to our student-athletes and our focus is on the total development of our student-athletes. We provide programming to our student-athletes,

focused on leadership and career development, community service and Diversity, Equity and Inclusion awareness, among other areas. In preparation for the national launch of Name, Image and Likeness, WSU Athletics partnered with the institution's Carson College of Business to develop a credited course covering the foundations of NIL to ensure our student-athletes are educated, empowered, and protected. This partnership continues today. Additionally, we employ full-time staff to educate and permissibly assist our student-athletes regarding NIL opportunities, while in compliance with all relevant NCAA and State of Washington regulations.

With the ongoing focus on student-athlete benefits and services, a WSU student-athlete receives:

- Tuition and fees, room and board, books, and cost of attendance (scholarship student-athlete)
- Academic-related stipend (scholarship student-athlete)
- Student-athlete development
- Academic support
- Mental Health support
- Sports Medicine care
- Strength and Conditioning coaching
- Nutritional support and education
- Equipment and apparel
- Access to NCAA Student Assistance Fund

In addition to the benefits and services above, as a student-athlete in the Pac-12 Conference,

WSU student-athletes are guaranteed the following:

- Four-year athletic scholarships in all sports (scholarship student-athlete)

- Medical expenses for those injured during their college athletic careers with coverage for up to four years after leaving the institution
- Student-athlete representation in the conference governance structure
- Degree-completion funding (scholarship student-athlete)

College athletics is facing significant challenges with no simple solutions. At the conclusion of the Transformation Committee work, recommendations were submitted to the NCAA Division I Board of Directors and approved in January of this year

(<https://www.ncaa.org/news/2023/1/12/media-center-statement-from-division-i-transformation-committee-co-chairs.aspx>). These recommendations introduced the holistic model for student-athletes, which sets expectations for the support of their health, safety, and well-being. The recommendations also called for elevating the championship experience and creating a fairer, faster, and equitable NCAA governance model. Still, the Transformation Committee met weekly for a year to examine the major issues with key stakeholders, including current student-athletes, and decision-makers around the table, and although progress was made, there are major, complex problems in dire need of solutions. Significant challenges remain in the college athletics ecosystem including:

Academics/Employment

The primacy of academics is at the foundation of every institution of higher education. While college athletics has evolved into a multibillion-dollar industry, our mission remains to educate young people and prepare them for their respective futures. We use what is learned in competition to complement what is taught in the classroom. This relationship extends far beyond

the provision of benefits and seeks to develop and empower the individual. Any change to this relationship will forever alter the students' collegiate experience.

Proposed state legislation and ongoing litigation may impact student-athlete employment status, and the issue threatens to cause irreparable damage to the student-athlete experience. Certain aspects of a potential employer-employee relationship should be considered with caution. The notion that a student-athlete could be fired for underperformance undermines the very core of the educational mission. Additionally, transitioning to employment status could erode many of the benefits and guarantees that student-athletes currently receive through potential tax implications. Lastly, if one group of student-athletes becomes employees, such as those in high revenue-producing sports, demands and legal claims could be made that all student-athletes should become employees. The financial impact could lead to the reduction of opportunities for broad-based participation on campuses around the country, resulting in significant Title IX implications threatening generations of hard-fought progress in women's sports.

Name, Image and Likeness (NIL)

While Washington State takes pride in the benefits and experiences it provides our student-athletes, we acknowledge there is a need for more. NIL was intended to be the next significant benefit permissible for student-athletes. Like any other student on campus, student-athletes deserve the right to monetize their Name, Image and Likeness based on their reputation and platform. Although true NIL provides tremendous opportunities for student-athletes, the existing environment consists of recruiting inducements, tampering and ultimately pay-for-play, and is wrought with pitfalls and misinformation. Recent reports in the media suggest that current

student-athletes across the country are being approached with empty promises which lead to false expectations. From my role as the Director of Athletics, and as a member of numerous NCAA committees, it is my belief the current NIL environment is toxic for our student-athletes and unsustainable.

Name, Image and Likeness/Equity/Transparency

Student-athletes are negatively impacted by the inequity and lack of transparency in the NIL marketplace. Just one example of inequity is revealed by research provided by Navigate, a sports data and valuation company. The research, focused on compensation for influencers, states approximately 77% of the general (non-college athletics) NIL compensation is earned by women. Comparatively, the research suggests women student-athletes are receiving just 16.2% of the college athletics NIL compensation. These numbers support the widespread belief that the collegiate athletics NIL market is not reflective of the true value of a student's NIL. Without disclosures, institutions and student-athletes are not able to properly assess NIL opportunities for fairness and equity. Only with accurate and required transactional information can student-athletes ensure they are not being taken advantage of by bad actors giving false promises. By shielding information, third parties have profited from the uninformed decisions of student-athletes. Only with oversight and uniform regulation will unscrupulous third parties begin to act with the best interest of student-athletes at heart.

Call to Action

On behalf of Washington State University and President Schulz, we are committed to being a part of the solution. We respectfully ask Congress to partner with the NCAA and our member

institutions to develop federal standards that provide transparency and enforceable safeguards to mitigate the negative impact of the existing NIL environment. This will help ensure student-athletes benefit from the full potential of their NIL. It is also vital that we affirm the current relationship between student-athletes and institutions. WSU supports meaningful oversight that provides protection and value to the student-athlete and ensures that institutions and outside entities are complying with standardized rules and governing policies.

Mr. BILIRAKIS. Thank you, sir. Appreciate it very much.

Our final witness is Jason Stahl, executive director and founder of the College Football Players Association. You are recognized, sir, for 5 minutes.

STATEMENT OF JASON STAHL, Ph.D.

Dr. STAHL. Thank you.

Mr. BILIRAKIS. Thanks for being here.

Dr. STAHL. Of course. Chairman Bilirakis, Ranking Member Schakowsky, members of the Subcommittee on Innovation, Data, and Commerce, I appreciate the opportunity to testify here today on behalf of the College Football Players Association, or CFBPA.

My name is Jason Stahl, and I am the institution's founder and executive director.

Since our founding, we have been building an independent, voluntary, nonpartisan, membership-driven players association that brings together past, present, and future college football players from all levels of play.

Our Leadership Committee, or LC, is comprised of committed alumni members and current player members of the CFBPA. The LC has guided the development of our 7-point Platform for Change. I am proud to have two members of our LC here today.

Justin Falcinelli played college football at Clemson University, where he was a two-time College Football Playoff national champion. Here also from our LC is Jordan Meachum. Jordan played first at Sacred Heart University and then finished his playing career at South Dakota State University, where he was an NCAA Division I FCS national championship runner-up. Both of these men have many academic honors to their name.

Today I am here to deliver a simple message that the problems of college athletics are not so large that they cannot be solved by those within the industry. At the CFBPA, we have developed a platform which attempts to address all of these problems and are ready to sit down at the bargaining table with administrators to discuss them.

In my written testimony for the record, I focused on all seven of our proposed reforms, and I hope today to have the opportunity in the Q&A to address all of these. However, given the brevity of my oral testimony, I will only be focusing on two of the seven here today.

In July 2021, college athletes for the first time had access to the free market to monetize their name, image, and likeness, NIL. The NCAA had denied college athletes this basic economic freedom enjoyed by every other American, spending millions of dollars in legal and lobbying fees to falsely keep athletes' NIL market value at zero.

College athletes fought to show—and the Supreme Court agreed—that NCAA compensation rules violated antitrust law, and with the writing on the wall, the NCAA finally dropped its NIL monetization restrictions.

The vast majority of evidence suggests athletes monetizing their NIL has had an overwhelmingly positive effect on athletes and their families. To the extent that there are problems in the NIL free market that call for new “consumer protections, they are ex-

traordinarily manageable by industry stakeholders, including players, through their independent players associations.

It is the position of the CFBPA that the Federal Government should stay out of the NIL free market, as they would stay out of the NIL free market for every other American citizen. At the CFBPA, we believe that there should be no Federal Government legislative rollback of the gains college athletes have made in the NIL free market.

If new rules and regulations are needed for athletes monetizing their NIL, administrators at the NCAA and in the conferences should sit down with players through their independent players associations to discuss and come to agreement around such changes.

Once agreements are made, the CFBPA could assist with enforcement and with screening attorneys and agents to protect the interests of the athletes. Another related area of focus within our platform pertains to new media rights contracts. Media rights contracts for Power Five football conferences and the College Football Playoff championship have exploded in recent years and will continue to do so into the future, particularly with the CFP expanding from four teams to 12 in 2024.

In the coming years, FBS football, particularly at the Power Five level, will be awash in many new billions of dollars. The players that generate this wealth deserve to share in it.

The CFBPA and independent players associations representing other televised sports that are part of these media rights deals should sit down at the bargaining table and hammer out revenue-sharing agreements. There will be plenty of money in the system to share for all those athletes whose name, image, and likeness are used in media broadcasts without impairing overall operations of athletics departments.

Unfortunately, as it pertains to athletic departments and conferences, the NCAA has recently declared that they are not allowed to make direct NIL payments to athletes for their appearance in media broadcasts. Lifting this barrier would be a good first step to open up competition between conferences and individual football programs for player talent and also to address other flagrant systemic issues.

Change is here in college athletics, and it is time for administrators at the NCAA conferences and member institutions to embrace this change. Player empowerment is only going to grow, and there can be no return to the paternalism of the past through Federal legislation or other matters.

At the CFBPA, we are ready to sit down at the table with administrators who are interested in moving ahead into the future.

Thank you.

[The prepared statement of Mr. Stahl follows:]

Written Testimony of Jason Stahl, Executive Director, College Football Players Association
U.S. House of Representatives Committee on Energy & Commerce, 29 March 2023

The problems of college athletics are not so large that they cannot be solved by those within the industry. At the College Football Players Association (CFBPA), we've developed a platform which attempts to address all these problems. Our Platform for Change is as follows:

- 1) CFBPA representatives at the bargaining table debating any changes to college football including, but not limited to, transfer portal regulations, NIL and expansion of the college football playoffs.
- 2) Guaranteed independent medical care enforced by a CFBPA-employed full-time employee representative.
- 3) Healthier practices similar to the NFL and Ivy League football enforced by a CFBPA-employed full-time employee representative.
- 4) Post-football health protections
- 5) A real off-season
- 6) A percentage of big money media rights revenue contracts for the players whose name, image and likeness are used in that media.
- 7) Competitive group NIL deals for college football players, facilitated by the CFBPA.

Today's testimony will be laid out in three parts. First, the history of the CFBPA will be delineated, paying particular attention to how our membership and leadership developed our Platform for Change. Second, each platform plank will be further explained from a problem-solution standpoint. Finally, this testimony will show how the CFBPA could and would work with other decisionmakers in college athletics to implement our Platform for Change. Throughout, this testimony will also point towards our platform's relevance to other sports within college athletics.

History of the CFBPA

During the summer of 2020, college football players, having been sent home from classes in spring semester 2020 because of the COVID-19 pandemic, were asked to return to campus to start practicing again for the 2020 season. As a result, during that summer, two movements of players formed to advocate for their rights. The #WeAreUnited and #WeWantToPlay movements eventually settled on a list of demands for returning to play including health and safety protocols and the right to opt out of playing in the 2020 season, among others. The final demand in their list included the creation of a College Football Players Association.¹ At roughly the same time, I started a newsletter to tell the realities of college athletics, particularly college football. That work quickly morphed into an effort to make real the CFBPA. I began connecting with past and present players from around the country who were interested in building a new player's association for college football players. With players and a core group of advisers, I founded the institution in July 2021. Since then, we've been building an independent, voluntary, nonpartisan, member-driven players association that brings together past, present and future college football players from all levels of play into a single institution. In spring of 2022, we formed our Leadership Committee (LC). The LC is comprised of committed Alumni Members and Current Player Members of the CFBPA. The LC acts to make sure that the CFBPA is a member-led player's association. It helps set organizational strategy; guide institutional decision making and drive our membership growth. Most importantly, the LC has guided the development of our Platform for Change. I'm proud to have two members of our LC here today. Justin Falcinelli played college football at Clemson University where he was a two-year starter, a first-team-all-ACC center and a two-time College Football Playoff National Champion. While at Clemson, Justin also won the award for Clemson's top Male Scholar Athlete.

¹ For more see Jason Stahl, "The Player Empowerment Movement: Possibilities and Pitfalls," *Jason Stahl's Newsletter*, 12 August 2020, <https://jasonstahl.substack.com/p/the-player-empowerment-movement>.

Here also from our LC is Jordan Meachum. Jordan was a running back first at Sacred Heart University where he also won numerous academic awards. Jordan finished his playing career at South Dakota State University where he was an NCAA Division I FCS National Championship runner-up.²

As we moved through 2022, the LC guided the development of our Platform for Change. Planks 2 through 4 (in the testimony summary on page 1) were released in May 2022 showcasing our organizational commitment to player health, safety and welfare. In July 2022, in the midst of a campaign to form our first-ever CFBPA chapter at Penn State University, we released, in conversation with Penn State members, planks 1, 5 and 6.³ Finally, plank 7 was unveiled in January 2023. In 2023, we have sought to expand our membership base across all levels of play in college football and to seek innovative ways to serve our members and implement our Platform for Change.

² For our full slate of Leadership Committee members, see: <https://www.cfbpa.org/leadership-committee>.

³ For more information on the CFBPA Penn State campaign, see: Richard Johnson, "How a Tweet Revealed the Difficulties of the College Athlete Unionization Push," *Sports Illustrated*, 28 July 2022, <https://www.si.com/college/2022/07/28/college-athlete-unionization-tweet-revealed-difficulties>.

Delineation of the CFBPA Platform for ChangePlank #1:

In July 2021, coinciding with the founding of the CFBPA, college athletes for the first time had access to the free market to monetize their name, image and likeness (NIL). This basic economic freedom, enjoyed by every other American, had been denied to college athletes by the NCAA. In fact, over the twenty-first century, the NCAA spent many millions of dollars in legal and public relations fees seeking to deny college athletes this basic right, thus making them second-class citizens. College athletes fought back in the courts and in state legislatures to secure access to this free market for the first time. With the writing on the wall, the NCAA finally dropped their restrictions on athletes monetizing their NIL nationwide. Thus, since July 2021, we have new evidence of the impact of athletes monetizing their NIL. The vast majority of that evidence suggests that the impact has been overwhelmingly positive. College athletes have secured new wealth for themselves and their families. This NIL wealth has come largely in two different forms. First, athletes have made different deals with brands and companies to promote products and services using the power of their social media. Secondly, a much smaller portion of college athletes have been paid largely for their athletic skills through so-called independent “collectives” on some university campuses. It is the position of the CFBPA that both forms of NIL are net-positive and welcome.

To the extent that there are problems in the NIL free market that call for new “consumer protections,” they are extraordinarily manageable by industry stakeholders including players through their independent players associations. It is the position of the CFBPA that the federal government should stay out of the NIL free market as they would stay out of the NIL free market for every other American citizen. At the CFBPA, we believe that there should be no federal government legislative roll-back of the gains college athletes have made in the NIL free market. If new rules and

regulations are needed for athletes monetizing their NIL, administrators at the NCAA and in the conferences should sit down with the players through their independent players associations to discuss and come to agreement around such changes. Once an agreement was made, the CFBPA could assist with enforcement and with screening attorneys and agents to protect the interests of the players. Platform plank #1 is designed to give college athletes a real collective voice in the decision-making within college athletics. Whether it is changes to NIL guidelines and their enforcement; transfer portal changes; college football playoff expansion; or any other changes to college football the NCAA, conferences and College Football Playoff administrators need to end the paternalism of the past. They should come to the table and bargain with the players as equals regarding the conditions of their workplace.

Plank #2:

Lack of independent medical care is a massive problem for all college athletes, but particularly for college football players given the violence of the sport. From our members, we've heard countless stories of compromised medical care offered at the institutional level. Within a football program, an uncaring coach has virtual free reign to exert undue pressure upon training and medical staff to push a player to return to play before a brain or body injury has properly healed. Given that the NCAA has shown unwillingness to address this well-known problem, we at the CFBPA believe that new solutions are needed. We believe that at least part of the solution to this systemic problem is independent medical care ensured by a CFBPA-employed full-time player employee representative. This representative would be an on-the-ground advocate for players on a team to ensure they were getting proper independent medical care including a guaranteed second opinion on an injury from non-university-affiliated medical staff. The rep would be employed by the CFBPA to ensure independence and would likely be drawn from our pool of Alumni Members

given their familiarity with the realities of the game and with the realities of what it means to play, and be injured in, college football.

Plank #3:

The CFBPA full-time employee representatives described in plank #2 would also make interventions in the practice environment in college football. The practice environment, particularly the off-season practice environment, needs reigning in. Injury rates, especially concussion injury rates, remain extraordinarily high in off-season practices. Tragically, player deaths are present as well. The well-known death of Jordan McNair in a University of Maryland football practice in May 2018 is likely the first to come to mind, but this was not a one-off event. Between 2000 and 2016, 33 NCAA football players died playing the game. Six of these were caused by traumatic injuries (severe collisions) while the remaining 27 were caused by intense exercise. Overall, 32 of the 33 deaths occurred during the offseason.⁴

The shocking thing about all of this is it doesn't have to be this way. Practices remain controlled situations where coaches have almost complete authority over the risks taken by players. Additionally, the NFL and Ivy League football have shown a different path. Over the past decade, the NFLPA has bargained for more sane practice environments which have reduced contact and thus reduced injuries. For instance, one study showed that while 72 percent of concussions occur during practices in college football, the number in the NFL is only 7 percent.⁵ Likewise, the Ivy League has also dialed back contact in football practice with excellent results. Dartmouth College has been at the forefront of this movement by employing new technology designed to eliminate

⁴ For more on the practice environments of college football, especially in the off-season, see Jason Stahl, "The Off-Season Black Box," *Jason Stahl's Newsletter*, 9 February 2021, <https://jasonstahl.substack.com/p/the-off-season-black-box>.

⁵ For a summary of the study and a link to its findings, see: Alan Blinder, "Football Practices Pose More Concussion Risk Than Games, Study Suggests," *New York Times*, 1 February 2021.

players on the same team hitting one another entirely in practice.⁶ These NFLPA and Ivy League reforms could be replicated across college football and enforced by the CFBPA rep.

Plank #4:

At the CFBPA, we have many Alumni Members from across the country—these are players who have played the game in the past and want to support our efforts building an independent players association. This platform plank was written with them specifically in mind. Quite simply, there are many, many, many men across the United States who continue to suffer in silence with their playing days injuries to their brain and body. Many lack adequate medical care and have family members who care for them without the necessary resources to do so. We welcome NCAA and conference administrators sitting down at the bargaining table with CFBPA representatives and figuring out the best way to provide post-football health protections to these suffering ex-athletes. We are open to all solutions to this problem and think particularly that access to university hospitals and clinics, free of charge, needs to be on the table when considering the care that is needed for individuals suffering with injuries from their playing days.

Plank #5:

College football players, and college athletes generally, are massively overworked. It is well-known among college athletes that the 20-hour limit of countable “athletically-related activities” in-season and the 8-hour limit out of season are broken as a matter of routine. The NCAA used to have clear PDF charts online which athletes could download to understand the 20/8 limits, but even

⁶ For more on Dartmouth, see Leana S. Wen, “[Here's One Way to Make Football Safer](#),” *Washington Post*, 28 November 2022.

those were recently removed.⁷ Representatives of independent players associations need to be involved in establishing clear work hours limitations that are then enforced by representatives from these associations. Quite simply, the NCAA and the conferences have shown no interest in real enforcement. Any coach who wants to break the limits knows he/she is free to. In addition, college football players, and college athletes generally, need to have an enforced and clearly demarcated off-season to be with their families and friends. When we attempted to organize our first CFBPA chapter at Penn State University in July 2022, one of our members there told us that the off season was effectively whittled down to just two weeks. This is unacceptable.

Plank #6:

Media rights contracts for Power Five football conferences and the College Football Playoff Championship (CFP) have exploded in recent years and will continue to do so in the future—particularly with the CFP expanding from 4 teams to 12 in 2024. In the coming years, FBS football—particularly at the Power Five level—will be awash in many billions more of new dollars. The players that generate this wealth deserve to share in it. The CFBPA, and independent players associations representing other televised sports that are part of these media rights deals, should sit down at the bargaining table and hammer out revenue sharing agreements. There will be plenty of new money in the system to share for all athletes whose name, image and likeness are used in media broadcasts without impairing overall operations of athletics departments. Moreover, with CFP expansion, direct NIL compensation for athletes who make the tournament is certainly now possible. Such a prize pool of money available to the players on the teams which make the tournament would improve the overall tournament for all involved, especially the players and fans. Unfortunately, as it pertains to

⁷ The charts used to be available in a link at this page, but the link is now dead:
<https://www.ncaa.org/sports/2013/11/19/division-i-20-8-hour-rule-materials.aspx>.

athletic departments and conferences, the NCAA has recently declared that they are not allowed to make direct NIL payments to athletes for their appearance in media broadcasts. Lifting this barrier would be a good first step to open up competition between conferences and individual football programs for player talent. If such a change is not made, the money will continue to go only to the coaches, administrators and increasingly absurd facilities upgrades. Finally, to the extent that players are being taken advantage of by collectives and other third-party entities, direct payment by departments and conferences—done with full transparency—is a way to help solve this problem. Rather than relying on third-party collectives to pay players, conferences and NCAA member institutions should simply pay the players themselves for use of their NIL in media broadcasts.

Plank #7

Briefly, our final plank addresses the need for group NIL opportunities which can best be done by an independent players association. With membership expansion, we hope to enact this plank which would distribute NIL opportunities more broadly and likely disempower bad actors in the NIL market. Being able to openly and transparently facilitate NIL deals for the players will reduce fraud.

Implementation of the CFBPA Platform for Change

Change is here in college athletics and it is time for administrators in the NCAA, conferences and member institutions to embrace this change. Player empowerment is only going to grow and there can be no return to the paternalism of the past through federal legislation or other measures. At the CFBPA, we are ready to sit down at the table with administrators who are interested in moving ahead into the future. Along these lines, we seek to use any means at our disposal to implement our Platform for Change. If you look closely at our platform and the way that it is worded, you'll see that there are any number of ways we could work to implement its planks. Some of the planks could be worked towards directly by the CFBPA independently of the NCAA, the conferences or individual programs. With all of the planks, we could work directly with any program, coach or conference at voluntary implementation. Finally, and most obviously, we could work with any player at any team to unionize their team and/or conference to implement the platform. In this final case, we'd work to write the platform into a legally-binding and enforceable collective bargaining agreement. In whatever way we implement our Platform for Change, the goal is always the same: to improve the lives of college football players past, present and future. For administrators who are interested in doing the same, our door is open to you.

Mr. BILIRAKIS. I want to thank all of the witnesses for their testimony.

We will move into questions—the question-and-answer portion of the hearing. I will begin the questioning and recognize myself for 5 minutes.

Mr. Burton, thank you again for making time to be with us today and sharing your experience as an athlete playing at the highest levels, both in college and professional football. I appreciate it very much.

After all, not many can say they have a Super Bowl ring or were nominated for player—Play of the Year at the ESPYs with the Philly Special. And I am not talking about cheesesteaks.

Based on your accomplishments during your time at the University of Florida, it is safe to say that you would have had immense opportunities to earn supplemental income from NIL, and you mentioned that in your opening statement.

What would this supplemental income have meant to you? And how would NIL have benefited you as a college football player and set your family up for financial success?

Mr. BURTON. Thank you. Yes. Like you said, in my testimony I mentioned that I got married and had a kid in my junior year. So I think that would have, you know, substantially—I think we all can agree that that would have been really beneficial for us, my wife through, you know, the birth process, and for raising up a child, obviously, is very expensive. So, you know, we kind of had to do our best budgeting that we possibly could based off of what we got from our scholarship check and from Pell Grant.

But I also think that my mom was a single mother, and she raised three boys. And so that easily could have helped, you know, with whatever situation, you know, we had going on back then. But then, also, even going forward, I remember my last game of my career in college against Florida State, I separated my shoulder.

And I was kind of the guy that was on the bubble, didn't know if I was going to make it to the NFL, didn't know what the next move was, but I remember sitting in my house on my rocking chair with my arm in a sling, and I looked at my wife and I said, "We have got to be out of here in a month, because our scholarship checks are gone. They are done after December."

And so there was a lot of uncertainty, and I know for sure if I wouldn't have made it into the NFL, I wouldn't have had much money, especially I didn't save much money, didn't have much money to save to start out with, to continue on next—you know, our next venture.

Mr. BILIRAKIS. Thank you very much.

Kaley, you are also a student-athlete competing at the highest level of your sport and have accomplished amazing things in your time at the Florida State University, such as breaking the Women's College World Series record for hits in a single World Series with 14.

Could you elaborate how NIL opportunities have benefited you as a current student-athlete, particularly competing in women's sports that don't always have the same lucrative professional opportunities?

Ms. MUDGE. Yes. When NIL came into play in 2021, I was super excited. I didn't know a lot about what the rules were going to be and such, but being a partial scholarship student-athlete has really helped me to help pay for my tuition and helped pay for my rent and things that I don't have the luxury of paying for myself.

So NIL has definitely benefited me. And, specifically, with the deal with our collective being able to help me pay for nursing school when I am done with softball is going to be extremely helpful, because I won't have a partial athletic scholarship when I start nursing school. So NIL has benefited me in a lot—in a very positive way.

Mr. BILIRAKIS. Thank you. Thank you very much.

Trey, you shared in your testimony that when you were playing, athletes had to choose whether to make money or go to school to pursue an education while playing the sport of their dreams. I think this is an important reminder that an essential part of the college athlete experience is the ability to pursue higher education while playing the sport they love.

What did you get out of being a student during your time there at the University of Florida? And how can we prevent disruptions to these educational benefits and this debate about how to treat college athletes, please?

Mr. BURTON. I mean, I got a degree, which is, you know, the most important during my time there. I think also, like I said, the relationships that I was able to have, the professionals that I have been able to meet with—you know, through my athletic scholarship and because I played football there at the university.

What was your second question again? Sorry.

Mr. BILIRAKIS. Yes. Well, just, you know, what did—well, I am just going to paraphrase. What did the University of Florida or any college, if you had gone to any college, offer you as a college athlete?

Mr. BURTON. Yes. So tutoring was by far the number-one thing for me that was offered. I know for sure I have a reading—not disability, but I have a reading problem. I am dyslexic, for the most part, and so like having a tutor be able to like talk to me in the way I needed to be taught was super beneficial, having them, you know, 24/7. That was probably by far the number-one thing that was most beneficial for me as a student-athlete.

Mr. BILIRAKIS. Very good.

Kaley, as a current student-athlete, do you have anything to add on the benefits you currently receive as a student? And how some proposal to change that model may affect your ability to continue to receive such benefits?

Ms. MUDGE. Yes. I feel that the college student-athlete model that we have today works. I can speak for a lot of athletes when I say that we have used athletics as an avenue to get a college degree and that having a partial scholarship helping to pay for college, being able to play the sport we love, has also given us an opportunity to get an education.

And if that model were changed and funds could be redirected away from Olympic sports and away from our scholarships, we wouldn't be able to play the sport we love and we also wouldn't be able to—some of us wouldn't be able to afford college or go to col-

lege without the opportunities that we have been given as a student-athlete. So the student-athlete model that we have now works.

Mr. BILIRAKIS. Thank you so very much.

All right. Now I will recognize Representative Castor from the great State of Florida for her 5 minutes of questioning.

Ms. CASTOR. Well, thank you, Chairman Bilirakis. Leave it to you to bring Gators and Seminoles together. And as Tampa Bay's congresswoman, I want to say to you, Mr. Burton, thank you so much for your philanthropic activities back home, including the Mort Elementary Community School.

And, Ms. Mudge, as an FSU alum, I am very proud of your personal accomplishments and proud to watch how FSU, once known as a football powerhouse—and doing all right this past year—but they have really become a women's soccer and women's softball championship school, and that is not by accident.

You said in your testimony: "As we celebrate 50 years of Title IX, it is important that we ensure the opportunities for participation and access to higher education, particularly for underrepresented populations," that "they are fostered and insured. There are many threats through legislation and litigation that would undermine this model."

Title IX did not just elevate women in collegiate sports, but it elevated collegiate sports overall. And my friend and colleague, Mrs. Trahan, is living proof of that, and she knows it well.

Title IX prohibits discrimination at federally funded schools and in collegiate athletics. Name, image, and likeness policy should not undermine the progress we have made or warp this—the operation of this important civil rights law.

Commissioner Heppel, do you believe that women have NIL opportunities as lucrative as their male counterparts? And what should we be thinking of as we craft some guardrails here federally to ensure that women and girls have every opportunity to participate?

Ms. HEPPEL. Thank you. You know, I—the challenge in answering that question is that we don't know, right? We don't have the transparency around what is happening in the NIL space.

The anecdotal evidence and some of the data through what I would call voluntary reporting is that, no, you know, what we are seeing is that NIL is being used as many—not all, I will—I will caveat there, but recruiting inducements to enroll out of high school, or—or as transfer, and that I think undermines what really is the great opportunity that NIL presents.

And so the need for transparency in a national structure in this area—within the Patriot League, I can say that we have—you know, we invested as a league in a software platform where reporting could take place. We have—we crossed four different States, the District of Columbia, Army and Navy are members of the Patriot League, the cadets and midshipmen are Federal employees, so the regulations around Federal employees engaging in NIL is another—

Ms. CASTOR. OK.

Ms. HEPPEL [continuing]. Another—yes.

Ms. CASTOR. Dr. Abdullah, what do you think we need to—what kind of guardrails do we need to have in place moving forward to ensure equity?

Dr. ABDULLAH. You know, I think one of the critical things is that we need to make sure that, as students negotiate their NIL deals, as they work with different institutions, that the information is transparent, that they can compare information from one institution and/or collective to another.

And I think if we are able to do that, then students and student-athletes can successfully negotiate their value on a higher level.

Ms. CASTOR. OK. Ms. Mudge?

Ms. MUDGE. Yes. I think for guardrails I think it is just—it would be very helpful for a level playing field. Just with what we have now, with different States having different rules, I think that can completely alter where recruits want to choose their schools based on what State has certain laws.

And I think even with the transfer portal, like people deciding where they want to go, and I think it would be very helpful if we just had Federal guardrails and legislation to keep everybody on the same page to have a level playing field.

Specifically, I can think of transparency with fair market value. I personally don't know my fair market value. I had never been taught that. I still haven't. And having the education to know how much I could ask would be very helpful in the guardrails.

Ms. CASTOR. And, Mr. Chun, you had said only 16.2 percent of NIL deals go to female athletes. My—I am out of time, but could you provide some guidance in writing for the committee on this Title IX inequity issue?

Mr. CHUN. Yes.

Ms. CASTOR. Thank you very much.

I yield back.

Mr. BILIRAKIS. Thank you. Thank you.

Now I will recognize the chairperson of the full committee and a great friend of mine, and I appreciate her giving me the opportunity to chair this subcommittee. So I want to recognize my friend, Cathy McMorris Rodgers, for 5 minutes.

Mrs. RODGERS. Thank you, Mr. Chairman. And, Mr. Bilirakis, you are doing an awesome job leading us. Thank you for today's hearing.

I wanted to start with Mr. Chun. Just thank you for being here again. And while there are certainly differences in resources, even within the Power Five, you represent an institution with lots of resources for their student-athletes.

Would you just walk us through the ways that you are helping support and educate young student-athletes at WSU as they are approached by agents, collectives, and large-dollar NIL deals?

Mr. CHUN. Well, first and foremost, Madam Chair, thank you for the leadership you provide to eastern Washington, and we appreciate your leadership on this topic.

At Washington State, our goal is to empower, educate, and protect our student-athletes. Our program is actually similar to what is going on at Florida State. We take great pride in, prior to the NCAA, allowing NIL. We partnered with our Carson College of Business. We have a credited course on campus that goes through

all of the—all of the major points of NIL from tax education, managing your social media, contracts. So that is really probably our biggest piece.

We also have full-time staff that we currently employ that works directly with our student-athletes. As you are aware, in the State of Washington we do not have an NIL law.

So we are—we are governed by State ethics laws, so that is prohibitive on what we can do in terms of directing our student-athletes with collectives and with deals, but ultimately we provide as much education and introductions as possible with our student-athletes while complying with Title IX NCAA rules and State of Washington rules.

Mrs. RODGERS. Thank you. Would you speak to what you believe would become of school programs, conferences, if we fail to provide Federal certainty to the NIL landscape? And how do you see the NCAA factoring into this future?

Mr. CHUN. Well, let me make clear: A true NIL is extraordinarily positive for student-athletes, and that needs to continue. It is what is going on with recruiting inducements with some of these collectives that ultimately are fraudulent in what they are doing with NIL. And that is—I mean, I read this morning tracking on Florida Atlantic University—I used to work there—and their extraordinary run to the Final Four.

In The Palm Beach Post this morning, the head coach is already talking about tampering by third parties to his existing roster. That has been happening for weeks. And we have rules today in the NCAA that don't allow tampering, that don't allow inducements, but because of the disparate State laws, the NCAA is at a point now where it is incapable of enforcing those rules.

So where this thing heads is concerning, because as we continue to spiral away from any type of commonality with recruiting, with the impact it is having on student-athletes in terms of just the amount of noise they have to deal with, as stated earlier, the value of the degree is what our focus is on in higher education.

But I do see—I do see impacts. If where we are headed ultimately leads to, you know, five conferences or a subset of schools in those five conferences having to deal with this environment in a different way, does have a negative impact on the rest of Division I, Division II, and Division III. I mean, it is clear the business model of NCAA is what we will see this weekend at the men's Final Four. That funds the entire operation.

Mrs. RODGERS. Thank you. Thank you.

Dr. Abdullah, does Virginia State have the resources to support student-athletes in the same way that bigger schools do? And are athletes seeing the same level of NIL deal engagement?

Dr. ABDULLAH. No. Thank you, Madam Chairwoman. No, ma'am. Virginia State University, as a Division II institution, we support our athletes and our athletic program almost entirely on student fees. The amount of funds that the students have in terms of scholarships and the facilities is quite a bit different than you would find at a Power Five conference, and the level of NIL deals that our students have is quite a bit different.

We do not have an NIL collective at Virginia State University, and so many of our athletes are successfully trying to negotiate their own value on the open market. If you—

Mrs. RODGERS. Thank you. Very good.

And, Ms. Mudge, just in the time remaining, would you speak to Title IX and just how you believe—or just how it can potentially be reversed in coming years if we don't get this right?

Ms. MUDGE. Yes. I think that Title IX has definitely paved the way, and I am super grateful for those who have paved the way before me. And I have had a great experience in my 4 years as a college athlete, and I would hate to see it reversed by new models coming in to take away opportunities for the Olympic sports, especially for women's sports as well.

So I would hate to see college athletes not have the experience that I have in the future, so I am just grateful for everything that I have gotten through Title IX.

Mrs. RODGERS. Thank you all for being here. I yield back.

Mr. WALBERG [presiding]. I thank the chairman for yielding back. And as a former wrestler, I am very attentive to the clock. There were times I wanted to hear that horn sound.

[Laughter.]

Mr. WALBERG. And so I will warn my colleagues I am not—I am not quite as deferential as our chairman of the subcommittee, so we are going to keep to clock here.

And so now I turn over 5 minutes of questioning to the ranking member, Representative Schakowsky.

Ms. SCHAKOWSKY. I am nervous now. OK. I am watching. I am moving actually a little away from you. No.

So I wanted to ask Mr. Stahl a couple of questions. I am wondering—and you are representing Players Association.

Dr. STAHL. Yes, ma'am.

Ms. SCHAKOWSKY. Yes. What specific things should college sports do to improve the healthcare and the safety of our student-athletes?

Dr. STAHL. Well, I will speak specifically to our football player members, the CFBPA. I think twofold—first, we should look at the practice environment. We have a platform plank that is structured around this. I think the practices environment right now is pretty much under the control of a coach. Some coaches are caring; some coaches are not.

And I think that having independent third-party representatives from CFBPA in those practice environments, making sure rules and regulations regarding health and safety were followed, particularly in football where we all know that brain injuries are so prevalent. They are prevalent most in the practice situation. So that is what I would say, first.

Second, I think postplaying career, health protections are integral. Mr. Burton's story I think was one I hear a lot from our alumni members, quite frankly. Justin Falcinelli is sitting behind me. He has a very similar injury story of getting an injury one of the last games of the season. You are going to go on, you have these NFL dreams, and then what?

And so I think there is this question, then, of what is the responsibility of the NCAA? Or what is the responsibility of the member

institutions or the conference? We think guaranteed healthcare standardized across the industry would be a good starting point.

Access to hospitals and clinics that are on these universities and campuses I think would be integral to long-term care, and then also brain injuries, which show up sometimes decades—you know, after effects from brain injuries, sometimes decades after they happen.

Ms. SCHAKOWSKY. Do you think—are you thinking also about CTE, not just about concussion?

Dr. STAHL. I mean, I know there is a lot of debate around CTE. I very much prefer to use the term “brain injury.” I have used it several times here—

Ms. SCHAKOWSKY. OK.

Mr. STAHL [continuing]. In part because I think it gets us out of political debates around CTE.

Ms. SCHAKOWSKY. OK.

Dr. STAHL. I think, though, we see and see this in our alumni members. I can’t tell you the number of men I have had discussions with at 30, 40, 50, 60, still suffering from those brain injuries that they incurred in college. And we are here not talking about people like Mr. Burton who went on to the NFL. We are talking about people strictly with a college playing career.

Ms. SCHAKOWSKY. So let me ask you this. Do you think that collective bargaining would be helpful for student-athletes?

Dr. STAHL. I do. I think there is a number of forums collective bargaining could take, though. I am cognizant of what new NCAA President Charlie Baker said, that there’s sort of two tiers that seem to be happening here. I think long term, as we look at the evolution of college football, that could be where we are going.

And so as we think about collective bargaining, a formal collective bargaining effort through unions, through union chapters, or through a union at the conference level, let’s say, like we—we have attempted to do in the past, would be important for those programs at the highest level of play here. I am talking about what are called Power Five football programs.

But we have members from all levels of play, and so I think that is important to talk about. So I think what is appropriate for a Power Five program or a Power Five conference is not going to be appropriate for levels on down. But of course those members need a players association as well, and they need collective bargaining. I do believe at those levels, though, it could be done on a voluntary basis.

We have already started doing some of that. We have a core group of members at a Division I FCS school, and at that school I have had conversations with the coach that I would characterize as informal collective bargaining around issues that are central to our members at that program. So our members came to us and said, “We are not getting proper nutrition.”

So, you know, there is a way in which we listen to our members, and then the bargaining that we would do is dependent upon what they want to do.

Ms. SCHAKOWSKY. Thank you for that. You know, billions and billions of dollars is involved in student athletics. Not every institution—I understand that—and not every sport, but we certainly

want to do more, I think, to protect our student-athletes. I really appreciate that. I also just—well, I guess I was going to thank Kathy Castor for taking my seat, and I really thank all of the witnesses. Want to work more with you as we move forward.

Thank you so much. Thank you.

Dr. STAHL. Thank you, ma'am.

Mr. WALBERG. I thank the gentlelady for setting the charted course now with 4 seconds left to spare.

Ms. SCHAKOWSKY. You threatened me.

Mr. WALBERG. I would never threaten you.

[Laughter.]

Mr. WALBERG. I am not that brave.

I want to recognize now for his 5 minutes for questioning the gentleman from Indiana, Dr. Bucshon.

Mr. BUCSHON. Well, thank you very much, and thanks for this hearing. It is very timely.

Since coming to Congress, I have had the opportunity to participate in several hearings related to this issue—back in 2014, related to the attempted unionization of Northwestern University athletes, is what I am going to comment on.

During my time on the Education and Workforce Committee, I got to speak with former all-American student-athletes from low income backgrounds who went on to play professional sports. They told me about how, when they were in school, however, despite full scholarships, they couldn't afford a host of personal expenses, including one of them described going out for pizza with his friends, his friends paid for that type of thing because he didn't have the money.

But I also feel like from that hearing and all of the testimony that an employment model for student-athletes creates all kinds of unintended consequences and would be very difficult to maintain the integrity of the student-athlete system as we know it today. But stories like this are why the advent of NIL deals occurred and why earnings for such athletes can be and will be a positive thing.

I am fully supportive of individuals being able to participate in the free market and to be able to earn what they can and determine their value as you described.

While I believe we need a system that accommodates such opportunities, I also recognize the need to preserve the student-athlete model, as I mentioned, that is relied upon by the overwhelming majority of athletes. Like many of my colleagues on this committee, I represent universities with NCAA Division I athletic programs.

I proudly represent the University of Evansville and Indiana State University, members of the Missouri Valley Conference, one of 32 NCAA Division I multisport conferences, as well as the University of Southern Indiana, which is currently transitioning from Division II into Division I.

Though you may not have seen many Valley teams competing on TV or know that its top athletes continue to compete at a professional, Olympic, and Paralympic levels, the Valley is representative of the typical collegiate athletic experience for most student-athletes across the country. They attend classes, they graduate, and they compete for championships across 17 sports at the Division I level.

There are approximately 200,000 student-athletes competing in Division I. Eighty percent of them are thriving and finding tremendous success in conferences similar to the Missouri Valley.

So, Dr. Abdullah, I recognize there are differences in the levels of student support available from schools whose athletic programs do and do not generate revenue. Is there a risk of young athletes unintentionally locking themselves out of financial aid or future NIL opportunities if resources are limited, especially at smaller schools?

Dr. ABDULLAH. Thank you, sir, for the question.

Mr. BUCSHON. If that makes sense.

Dr. ABDULLAH. It does. It does. You know, I think it is critically important that we provide the right opportunities for our students. One of the things that my athletic director tells me all the time is that we have to be—we have to be wary of those who purport to protect student-athletes, and instead what we need to do at Virginia State is to provide them with the knowledge and information, so that they can protect themselves.

I have run into a gentleman today—yesterday at the hotel, Mr. Jamar Samuels, who was unfortunate—had an unfortunate incident in 2012 where he was ruled ineligible for accepting \$200. At that time—we all know that before NIL that all of us were dealing with rules and regulations that we thought to purport to protect students—student-athletes, and in fact they weren't doing that.

And so I think that with transparency, even those schools that have limited resources such as ours, that we can compete on the open market, albeit quite differently than some of our colleagues here, and that we can provide quality opportunities for those young people who choose to come to Virginia State University.

Mr. BUCSHON. Sure. We don't want athletes to make mistakes that would compromise their futures.

Ms. Heppel, do you believe that institutions distributing NIL support resources should do so among all student-athletes and not just those participating in revenue-generating sports?

Ms. HEPPEL. Thank you. Absolutely. I mean, what we are talking about are educational resources and tools to be successful in life as a student, but then beyond, and those should be equally accessible to all student-athlete participants.

Mr. BUCSHON. You know, what are some potential guardrails to consider to ensure that institutions do not focus the overwhelming majority of their NIL support resources for athletes to revenue-generating sports? I mean, it is a tough—it is a tough problem, right?

Ms. HEPPEL. Well, but it is consistent with challenges, and we already, as leaders in athletics, focus on the well-being of all of our student-athletes, regardless of the sport. Thank you.

Mr. BUCSHON. Thank you. I yield back.

Mr. DUNCAN [presiding]. The gentleman's time has expired. The Chair will now recognize Ms. Blunt Rochester for 5 minutes.

Ms. BLUNT ROCHESTER. Thank you, Mr. Chairman. While I was not an athlete, I did graduate from the Cinderella school that busted everyone's bracket, Fairleigh Dickinson University, and I was born in Philadelphia. So on behalf of all of us, we thank you, Mr. Burton, for the Philly Special.

Thank you to all of the witnesses here for your testimony, and I am glad that we are having this very important conversation about the rights and protections of collegiate athletes. Since 2021, we have taken large strides forward on the right to benefit from one's own name, image, and likeness.

Still, we are faced with significant questions on how we should continue to support the rights of collegiate athletes and ensure they have the right tools to make the best decisions possible.

Dr. Abdullah, thank you for your testimony and for your work advocating for HBCUs. As the only member of the House from Delaware, I have the privilege of representing Delaware State University here in Congress, and I want to acknowledge your role on the Presidential Board of Advisors for HBCUs that is chaired by Delaware's own DSU President, Dr. Tony Allen.

Dr. Abdullah, if a Federal NIL standard were to be developed, what key provisions would you suggest be included to help ensure that athletes at midsize schools, smaller schools, and historically black colleges and universities in particular are protected and afforded the best opportunity to succeed?

Dr. ABDULLAH. Thank you so much, ma'am. It is important to note that there are over 500,000 athletes that participate in NCAA championship sports. And many of those athletes are at Division II, Division III, and smaller midmajor institutions in Division I.

And so designing rules and regulations that are, one, transparent, but also take into account that there are many different sizes of institutions that generate quite different revenue, who offer different sports, but to make sure that we can provide protection—NIL protection—for all of those students through transparency.

Ms. BLUNT ROCHESTER. In your testimony, you stated the importance of providing athletes with the proper tools to manage the responsibilities that come with NIL deals. Ahead of this hearing, I heard from a group of athletes on Delaware State University's Student-Athlete Advisory Committee about how difficult it is to navigate NIL deals and the need for increased resources and support for athletes interested in benefiting from them.

Can you talk specifically about what kind of resources or tools would support HBCUs, such as yourself, and as you support the athletes navigating these to make sure that they are protected?

Dr. ABDULLAH. Our institution, through our athletic director, Mrs. Peggy Davis, does a lot of the same things that our other institutions do in terms of providing quality education for students. But our SAAC director also, Ms. Alexis Baker, mentioned the same thing as the students from Delaware State, that really a lack of transparency, not knowing the rules in different States, not knowing whether she is getting the best deal in Virginia or whether she should be getting a deal somewhere else, is critically important. And so transparency is critical.

Ms. BLUNT ROCHESTER. I think that issue of transparency and also the patchwork nature of what is happening is also very confusing.

How can we make sure that the competitive disadvantage many HBCUs and HBCU athletes face as a result of these limited resources is not exacerbated by NIL?

Dr. ABDULLAH. Ma'am, I will tell you this. We are proud to compete against everybody all the time. Whether it is facilities or resources or coaches, we are always at a competitive disadvantage in many aspects, but we are proud to compete. And what we don't want to happen—we want to make sure that young people have access to find the way to find their true value and to get their resources, and we would not want to hold that back.

Ms. BLUNT ROCHESTER. Thank you.

And, Mr. Stahl, you mentioned in your testimony that Dartmouth College is employing a new technology to eliminate players on the same team hitting one another during practice. Can you explain this technology in a bit more detail? And is there—is this something that you think should be scaled up more broadly? Are there other emerging technologies that show promise as well for safety and the experience of the collegiate athlete?

Dr. STAHL. I greatly appreciate that question. Yes, I do think they should be scaled up. Absolutely. It is—in terms of cost, I was shocked recently to find out that—so what they use effectively are robot tackling dummies. They cost about \$6,000 each. And so we had somebody from our organization who did this research to find out, OK, where do these exist, right? There are some in the pros.

In terms of the top tier of, you know, thinking about Power Five schools, they are in use at Michigan. Dartmouth, we really do feel, you know, the Ivy League in particular is at the forefront here of using this type of technology and showing that you can win—they have won many Ivy League championships despite the fact that they are—or I would say because they are using this technology and practice.

Ms. BLUNT ROCHESTER. Well, thank you for your answer. We will follow up after this as well—

Dr. STAHL. Please.

Ms. BLUNT ROCHESTER [continuing]. To get more details, and I yield back.

Mr. DUNCAN. The gentlelady yields back.

I will now recognize myself for 5 minutes. We are on our third chairman today, but I am glad to be chairing this. I have followed the NIL issue for quite a long time here in Congress.

So as my wife who is in the room with us today can attest, I am a college football junkie. And Washington State University, my son and I watch, that is our late-night game on the East Coast, especially during the 7 years that Mike Leach was there, rest his soul, and enjoy WSU football.

I will say that I understand that NIL is here to stay, but I align myself with some comments Jake Sherman made today in Punch-bowl Sports when he said the ability of college athletes to get paid while they compete has changed the landscape of amateur athletics. And I agree with that.

I appreciate the amateurism of college sports at all levels. I say I am a college football junkie, but I like college sports in general.

As the proud elected representative of South Carolina's 3rd Congressional District, I have the distinct honor of representing Clemson University, home to the 2016 and 2018 college football national champions. And I am glad Buddy Carter isn't here. I don't

want to hear about the Georgia Bulldogs. We hear enough of that. Many of our Tigers have gone on to illustrious careers in the NFL.

In your written testimonies, Director Chun asked us to develop Federal standards that provide transparency and enforceable safeguards to mitigate the negative impact of existing NIL environment. Commissioner Heppel stipulates the need for development of a national standard around NIL rights.

Mr. Burton testifies that—to the need to establish a uniform set of rules with clear guidelines with an eye to pay-to-play issues and recruiting. And Ms. Mudge says that it is imperative that we have uniform guidelines and expectations relative to NIL as opposed to the current framework, and also with an eye towards potential recruiting problems.

I think that is remarkable—a current athlete, a former athlete, an athletic director, and a league commissioner in unanimous agreement on the need for a national standard.

So, Commissioner Heppel, let me start off with acknowledging something that I think I heard you say, and that is there is a value of a scholarship and the benefits provided by the university to college athletes that is often left out of this debate. They are already getting some value.

And, as Mr. Burton said, the value of that college degree to go on—and even Ms. Mudge, to go on to a nursing degree and career, there is value in that, and that needs to be kept in the forefront as we talk about this.

I am afraid that the redistribution of revenues will affect the ability of universities to fund some of the lower—I say lower-tier, they are not—but lower-tier athletic programs, other than college football, college basketball and baseball, and some sports.

So, Commissioner Heppel, as a league commissioner, what should the standards look like?

Ms. HEPPEL. Thank you, I think. The—no, I mean, I—it is the key question. I would say that we have to start with what NIL is not and should not be used as, which is recruiting inducements and pay-for-play.

Mr. DUNCAN. Right.

Ms. HEPPEL. And clearly have regulations that preclude that, which we do now in the NCAA structure. But, as you noted, the patchwork of State laws around NIL specifically make that hard to enforce at a national level, and this is national competition.

Mr. DUNCAN. And, look, I agree with you. I mean, the coaches that are recruiting—and now we are going to have alumni participating in that—I came through right after the Charley Pell years at Clemson University, where recruiting violations by alumni and booster clubs caused us to go on probation right after our national championship.

I want to move to Mr. Stahl. The ACC Student-Athlete Advisory Committee in its letter of March 28th states, “A pay-for-play model would exacerbate the disparities faced in women’s sports and historically black colleges and universities as funds will have to be redirected from nonrevenue-generating sports to almost entirely football and men’s basketball. Even at Power Five level, roughly half of athletic departments run a deficit annually.

“Directly compensating student-athletes will further expose challenges to sustain other sports, potentially forfeiting opportunities for thousands of prospective student-athletes in years to come. In essence, the college model must remain unchanged. Congress would do a disservice to student-athlete sports culture and American society in general if it passes a bill that diminishes the educational opportunities that leave schools no choice but to reduce scholarships or cut programs to budget reallocations.”

Mr. Stahl, unless you can point to a previously unknown source of funding that keeps these other sports funded as they are today, I am not willing to kill the aspirations of so many young athletes who don't play football. Can you speak to that?

Dr. STAHL. What is the question specifically?

Mr. DUNCAN. So, you know, if you're reallocation—reallocating these funds, how are the softball players, the hockey players, the lacrosse, the track and field, how are they going to be funded? And would this not limit opportunities for student-athletes at these universities to have the opportunity to get a scholarship, attend a college, and reap the benefits that Mr. Burton and Ms. Mudge have?

Dr. STAHL. OK. So there is a levels-of-play question for—here for sure. And there is new money coming in. So the media rights contracts that are coming down the pipe now, and all the Power Five conferences, college football playoff system, we are talking about many, many, many new billions of dollars.

Mr. DUNCAN. Well, that is—

Dr. STAHL. The idea—

Mr. DUNCAN [continuing]. Power Five.

Let's go to Dr. Abdullah. How is your university going to navigate all that? My time is way over, but quickly.

Dr. ABDULLAH. I think we—again, our university is primarily based on student fees. We are managing it now. We are managing it through NIL, and we believe that transparency will help athletes be able to determine their value.

Mr. DUNCAN. OK. Thank you.

My time is up. I will go to Mr. Soto from Florida for 5 minutes.

Mr. SOTO. Thank you, Chairman. You know, college sports is now a \$16.6 billion industry. Just incredible when you think about those numbers. And I want to thank my fellow Floridian and Chairman Bilirakis for inviting both UF and FSU to this panel. Let it not be said this committee is not fair and balanced. That led to a whole rivalry discussion in my office, so thank you to Gus for that one.

And we have two teams in the Final Four, Miami and FAU, which also is worthy of discussing how proud we are of both of those programs.

Many athletes come from communities of color or socioeconomically disadvantaged communities in college sports—obviously not everyone—and we have seen it become a volatile combo over the years with—prior to NIL—name, image, likeness—compensation being established.

When I was in the Florida Senate, FSU was heading into the championship, and a major player had legal trouble—a minor theft—in the midst of all this stuff, because that player lived in nearly abject poverty, being surrounded by money on all sides, from

students and boosters to universities. And it just struck me how this person could help lead this amazing program and still lack basic funds that your average FSU student had.

And so, in 2021, Florida establishes the new law, first, establishing an NIL statute. And then they made some reforms in 2023, which I wanted to ask some of our folks about first, that allows the universities to be involved in setting up endorsement deals should the college athlete like that want that to happen.

Two, financial literacy, life skills, and entrepreneurial workshops. Now NIL contracts can last longer than the period of that athlete's collegiate career, and college athletes and their representatives no longer need to disclose the athlete's contracts to the schools should they not.

So my first question is for Ms. Mudge. Florida law we talked about has this financial literacy, life skills, and entrepreneurial workshops requirement. Did you participate in those workshops? Were those helpful for you or for some of your colleagues?

Ms. MUDGE. Yes. I am not sure if these are the workshops you are talking about or not, but we were given a lot of information from our compliance department. And also, having teammates that are in the NIL courses from Florida State University, they have learned a lot about how to read contracts, how to negotiate deals, and just the new world of how to make a brand for yourself.

I am not particularly sure on which workshops you might be discussing, but I just feel, as a student-athlete, especially at Florida State, they have given us a lot of information of how to go about the new NIL world.

Mr. SOTO. Sure. And that definitely sounds like the results of the new statutes. So thank you, Ms. Mudge.

Dr. Abdullah, do you think these types of workshops would be helpful nationwide?

Dr. ABDULLAH. I think they definitely would be helpful nationwide. And given that our academic institutions—and I know we all are doing it, but the fact that we are involved in education—I mean, that is the critical part, and I think it is very important that we continue to provide guidance for young people to be able to maximize their value.

Mr. SOTO. And, Mr. Burton, you have had the amazing honor from your hard work of both playing on the collegiate level and on the NFL level. How important do you think early on getting some of this financial direction would be, given your experience with some of your colleagues from college, and then going into the NFL?

Mr. BURTON. Yes. I think it is extremely important. Knowing what I know now, you know, if I did have NIL, you know, after playing 7 years in the league and doing endorsement deals and marketing deals and contracts, I would have been a completely different person.

So I think, you know, now that guys are—men and women are starting to get paid, before it was important but you didn't really know what you didn't know, you know? Like I went to—I went to classes at Florida about taxes, but I didn't really understand what taxes were until I got to the NFL and, you know, half my check is gone. So I think they are extremely important.

Mr. SOTO. It depends on what State you live in, for the record. And, well, Mr. Burton, you may have a career teaching NIL financial literacy to one of Florida's local universities, so——

Mr. BURTON. I would love that.

Mr. SOTO [continuing]. We certainly appreciate that.

The other thing I want to talk about briefly is, you know, college sports is glorious but also is dangerous. You can get injuries that last for years. And so, Mr. Stahl, or Dr. Stahl, do college sports help support healthcare needs of former athletes suffering from these injuries after their playing career is over?

Dr. STAHL. Not as well as they should. I think there really needs to be a uniform nation—we were talking a lot about uniform nationwide standards regarding NIL. And I think what we should actually be talking about is uniform nationwide standards regarding healthcare after players are done with their playing days.

Mr. SOTO. Thank you, Dr. Stahl.

It is clear we need national rules eventually. Our States are our workshops on this right now. But I would encourage the chairman to continue onward for nationwide standards to avoid this asymmetry in competition we heard a lot about earlier today.

And I yield back.

Mr. BILIRAKIS [presiding]. Thank you. Appreciate it very much.

All right. Now I recognize the vice chairman of the subcommittee, Mr. Walberg, my good friend from Michigan.

Mr. WALBERG. Thank you, Mr. Chairman, and now I find out maybe I could have had my five shoulder surgeries taken care of.

Appreciate all the witnesses being here today. It is a topic that—it is past its time of addressing. In 2021, the State of Michigan passed a name and image and likeness law for our colleges and institutions. Go Blue, Go Green. But Michigan is only one State in the patchwork of State NIL laws and is causing confusion across conferences.

We need to establish clear rules of the road, so athletes, colleges, and advertisers can all benefit. The radical National Labor Relations Board—that is my own opinion—in 2021 issued a memo where the general counsel alleged that student-athletes had been misclassified and are in fact employees at the academic institutions.

As a member of the Education and Workforce Committee who has jurisdiction over this topic, I have heard from smaller schools in Michigan, such as Adrian College, a school that blossomed from 800 students to 1,700 students in a short period of time due to upgrading their athletic programs to over 50 teams, 70 percent of their scholar athletes are involved in those teams, ranging from of course football and basketball, lacrosse, hockey, women's hockey, women's synchronized swimming, Esports, and even bass fishing, which is a revenue producer for the college.

Sports grew this institution as well as its academic facilities, chemistry labs, business facilities, et cetera.

Ms. Heppel, the Patriot League competes at the Division I level amongst schools like Mr. Chun's. But as your testimony shares, your league represents a diverse group of institutions, many of whom see reclassifying student-athletes as an employee as the breaking point for sponsorship of athletic programs.

Can you share more on why many of your institutions have come to this conclusion?

Ms. HEPPEL. Thank you. Athletics is conducted and considered an important cocurricular activity on our campus. It is part of the educational process and the experience that the student-athletes receive for being students and being fully engaged in campus life. That is not an employer-employee relationship. That is an institutional experience being provided to a student—to the student body.

So it would be incompatible to consider the student-athlete an employee in that type of relationship.

Mr. WALBERG. Dr. Abdullah, would you care to answer that as well?

Dr. ABDULLAH. We have tons of extracurricular activities on campus, including an award-winning marching band, our debate club, as well as our student athletics. And so for us, a university that is committed to amateurism and in a conference that is committed to amateurism, that would be inconsistent for Virginia State University.

Mr. WALBERG. Appreciate that. In 2014, the NLRB was involved with the Northwestern football players' effort to unionize their teams. In 2022, the NLRB was again involved in an effort to upend the current collegiate sports model.

Dr. STAHL, your organization was involved in a recent effort to unionize the football team at Penn State. Would you rather student-athletes unionize, or would you rather there not be student-athletes at all?

Dr. STAHL. It is up to them. Whatever our members want is what we try to do. And so our members tell us different things. When we were organizing Penn State, we actually had a two-tier campaign.

The second tier said if there is not voluntary recognition of what we are trying to do, if there is not a coming to the table voluntarily with coaches, with administrators on campus, with the commissioner of the Big Ten, then, yes, we might have to go that more formal route.

But we came out with our hand extended. We said—because that is what the members wanted to do at Penn State.

Mr. WALBERG. At Penn State, they made that choice to not—

Dr. STAHL. That is correct.

Mr. WALBERG [continuing]. Not unionize. OK.

Dr. STAHL. No. They made the choice to have the unionization option as the backup option.

Mr. WALBERG. As a backup option.

Mr. Chun, would you like to respond to Dr. Stahl on that issue? And if collective bargaining were to take place, what resources would have to be relegated, perhaps to the detriment of students?

Mr. CHUN. Complicated question.

Mr. WALBERG. And I only have 11 seconds, 10 seconds.

Mr. CHUN. I mean, ultimately, we are in a model that puts a primacy on academics, broad-based programming opportunities for men and women across multiple sports. Anything that—you look to my right, how do you—how is a football player unionized or an employee and a softball player isn't?

We can all sit here and know the inputs are the same. She is putting as much time in as he did on the—in the weightroom, in the classroom, in the practice field. There is no difference other than the venues in which they play in and the amount of viewership. That is it.

Mr. WALBERG. Thank you.

Thank you. I yield back.

Mr. BILIRAKIS. Thank you very much.

I will recognize the gentlelady from New York, Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman, and I thank our ranking member. I thank our panelists for being here today and for really shedding light on a topic that has taken on great resonance across this—across this Nation.

Recognizing collegiate athletes' name, image, and likeness rights is a step in the right direction. But it would be a mistake for this committee not to recognize and address what I think is the root issue, and that is the empowerment of collegiate athletes.

I was just having a conversation with my colleague, Mrs. Trahan, and we are talking about collegiate when in fact the recruitment of these students starts in their high school years, right? So if we really want to look at the type of branding, information, and education, it kind of has to begin in their high school careers, where they are truly on a track for that type of education.

But having said that, this multibillion-dollar collegiate sports industry is built, I believe, off the backs of our students, mostly black and brown, collegiate athletes, and the benefits that they have received are very few. The current system is premised both on collegiate athletes' disempowerment and unpaid labor, a system some—like sports commentator Bomani Jones—has termed “legalized exploitation.”

I think we are at the stage where that tipping point has been set, and I am hoping that we can move expeditiously to end the practice.

Mr. Chair, I ask unanimous consent to enter into the record the March 21st New York Times op-ed entitled “Even the Supreme Court Can't Save the NCAA from Itself.”

Mr. BILIRAKIS. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Ms. CLARKE. Thank you very much.

In the recent *Alston v. NCAA* ruling by the Supreme Court, Justice Brett Kavanaugh wrote in a concurring opinion that “the current NCAA model is suppressing the pay of student-athletes who collectively generate billions of dollars in revenues for colleges every year.”

Those enormous sums of money flow to seemingly everyone except student-athletes. College presidents, athletic directors, coaches, conference commissioners, and NCAA executives take in six- and seven-figure salaries. Colleges build lavish new facilities, but the students who generate the revenues, many of whom are African American and from lower-income backgrounds, end up with little to nothing.

Mr. Chun, what are your thoughts on Justice Kavanaugh's observations? Is that an accurate characterization of the current system?

Mr. CHUN. The primacy of academic is the number-one priority of college athletics. The greatest factor today in social mobility is still a college education.

Our business model is flawed. On most campuses, it is one, maybe two sports, at least at our level, that provide resources and revenues to fund the rest of the athletic department. And, oh, by the way, we are legally obligated to follow Title IX. So access, opportunity, there has to be equity.

So the model that we have currently provides extraordinary opportunities for multiple student-athletes. And, oddly enough, the segment of—there is a certain segment of schools, because of this men's basketball tournament, that provide opportunities like Dr. Abdullah said to half a million student-athletes across 1,200 institutions across three divisions.

So there are inherent flaws in the model. I recognize that. But the reality is, is it—those flaws are—have created this opportunity for endless, countless student-athletes.

Ms. CLARKE. Very well.

What are your thoughts on Justice Kavanaugh's observations, Mr. Stahl? Dr. Stahl.

Dr. STAHL. I obviously largely agree with him. I want to—do want to respond to something that Mr. Chun said, and it has been repeated, you know, throughout this panel: the supremacy of the sort of academic mission of the student-athlete, of higher education, and so on and so forth. I mean, I just think we all need to acknowledge that that has been severely degraded.

As you get new billions of dollars into the system, what becomes of paramount importance is making more of that money, exercising the power that that money gives you. And so athletes then, you know, just very base level, like getting to choose the major they want to, right, this is more and more rare, particularly for sports like football. Many, many stories I have heard of, I agree, it should be—it should continue to be at the center of the vision for college athletics.

But because of these enormous financial pressures on the system, it is not. And we really do need to address that and remedy the ways in which I think many college athletes quite simply just don't get to pick the academic major they want.

Ms. CLARKE. Thank you so much, Dr. Stahl.

I yield back.

Mr. BILIRAKIS. The gentlelady yields back.

I now will recognize Dr. Dunn from the State of Florida—

Mr. DUNN. Thanks very much—

Mr. BILIRAKIS [continuing]. For your 5 minutes.

Mr. DUNN. [continuing]. Mr. Chairman. After listening to this excellent panel today, it is abundantly clear that the patchwork regulatory system for the NIL licenses is simply not working. State NIL regulations, I believe, began as a well-intentioned attempt to promote fair treatment of student-athletes, but unfortunately this turns quickly into a system where the States are forced to kind of game their programs' recruiting advantages and disadvantages.

And I think Congress does need to act to promote a fair nationwide NIL landscape that is transparent and benefits the athletes without favoring one school or State over another.

I am most concerned with the rise of the collectives that may be abused by boosters to work around the rules. This can create undesirable incentives, which brings college athletics closer to a pay-to-play sort of scheme. I firmly believe we should be imposing guardrails to ensure the entities operate in full compliance of the NCAA standards and the law.

Mr. Chun, your testimony mentioned numerous benefits that the Washington State athletics department provides for student-athletes. Can you speak to some of the effects—positive or negative—that your programs may see with boosters donating to collectives rather than to the athletic departments?

Mr. CHUN. Can I get the question repeated? It is—so positives and negatives of donating to collectives? Did I understand that?

Mr. DUNN. So, yes, what are the effects—positive or negative—from the money—the boosters' money going to those collectives rather than the AD? And to the athletic department?

Mr. CHUN. Well, the positives, assuming that there is real work going on around the country, the—we want to do more for our student-athletes. Real NIL work we are 100 percent supportive of. It is what is going on with the inducements and the tampering that is the challenge, and that is where we need the help with Federal legislation, with transparency, with something that proves that there is real work, something that provides clarity for Title IX.

Across many campuses, you can read it—you can read it almost daily in sports articles of coaches, administrators, assistant coaches involved with supporting and advocating for collectives. Are they representatives of the institution? Does that trigger Title IX? And also, we probably need something that takes into consideration international student-athletes.

Mr. DUNN. I was also concerned about the revenue being diverted, and then, therefore, may not be available to distribute to the other sports.

Mr. CHUN. Well, yes, the collectives are a little bit different because those are going right to the student-athletes. It is—as long as there is equity, and as long as there is real work, there's no issues. It is with the inducements and with the tampering, that is where all the challenges are coming and—

Mr. DUNN. Well, thank you, Mr. Chun.

I want to turn to Kaley, Kaley Mudge, and say it is great to have you here, a softball player at FSU. FSU is in my district and of course has received multiple honors over the years. They are very proud of you, Kaley.

I wonder—it is my understanding that you came into FSU before the NIL laws took effect, and since then things have changed. Can you tell how your—tell us how your college experience has changed since NIL laws came out?

Ms. MUDGE. Yes. I—even with NIL coming into play, I was never one to play for the money. Being recruited, money wasn't an issue for me. I didn't care how much of a scholarship I got. I just wanted the opportunity to play college softball. And getting to have the experience for the past 4 years has been amazing, and it has been the best 4 years of my life for sure.

But now, specifically with the collectives, I personally have had a very good experience with the FSU collective, but I do recognize

and understand that there are collectives out there that are, you know, creating the recruiting inducements. And I think as a 15-year-old, 16-year-old, it is really hard to turn down that amount of money without the knowledge that they are given.

So I am grateful that I didn't have that decision when I was back then, but even now with NIL it has never been about the money for me. It has just been about the experience.

Mr. DUNN. So I think that is true. I have talked to a number of student-athletes, and I hear that story again and again, they don't want to be employees, and they really do love the game, and I thank you very much for that. Now let me just say, Go 'Noles, you know, so that is—I have got to get my dig in at Georgia there, right?

So, on March 1st, the NCAA named Charlie Baker as its president, and that spawned a renewed interest, obviously, in effective policymaking for the student-athletes.

And, Ms. Heppel, I wonder if you find in the Patriot League student-athletes graduate with meaningful degrees and are expected to engage fully in the academic pursuits, and that they are afforded time and opportunity to do that. Do you think that happens pretty uniformly?

Ms. HEPPEL. I do think it is the majority of the experience of student-athletes. I believe that there are student-athletes that want to commit 12 months a year to their sport to further their professional opportunities, and they should have that opportunity as well, but that the majority of student-athletes understand that life after college is going to be professional and career-oriented.

Mr. DUNN. Thank you. Thank you very much.

I yield back, Mr. Chairman.

Mr. BILIRAKIS. Thank you. Thank you very much.

And now I will recognize the gentlelady, Mrs. Trahan. Appreciate all the good information you have given us thus far. Thank you.

Mrs. TRAHAN. Thank you, Mr. Chairman. I am not from Florida, but I have a world of respect for everything you all do.

Mr. Chun, I am going to start with you, and I am launching right into questions because my opening remarks were already given. But as athletic director at Washington State University, you are responsible for reporting the number of men and women athletes for Title IX compliance, correct?

Mr. CHUN. Yes.

Mrs. TRAHAN. And the—you must be aware that last year an investigative report from USA Today found that your university overcounted your women's rowing roster by 21 athletes and counted eight male practice players as women's roster spots to show compliance with Title IX on paper.

Mr. CHUN. Yes.

Mrs. TRAHAN. And it sounds like, just from your direct and truthful answers, that you understand that by overcounting or misrepresenting the number of women athletes at your university, that you are essentially depriving in this case 29 women of the chance to continue their athletic career.

Mr. CHUN. Yes. Assuming those numbers are correct, yes.

Mrs. TRAHAN. So I bring this up because many of my colleagues on the committee may not be aware that the Department of Edu-

cation allows colleges to exploit loopholes, like overcounting women athletes, double or triple counting them, or even counting male athletes as women to comply with Title IX on paper.

Of course, just because the Education Department allows it, it doesn't mean it is right to make college athletics less available to women athletes. And I bring this up not to put you on the spot, Mr. Chun, but we can't talk about NIL rights, particularly for women athletes, without talking about how some schools exploit loopholes that deprive women of the opportunity to play in college in the first place.

It is for this reason that I introduced the Fair Play for Women Act with Congresswoman Adams and Senator Murphy to close these loopholes. And I would encourage my colleagues on the committee to join me in supporting legislation that not only strengthens NIL rights but closes these loopholes as well.

I will switch gears, because I would like to talk about one of the biggest issues facing college athletics in the postamateurism landscape, and that is collectives. As some of my colleagues have rightly pointed out today, the emergence and embrace of NIL collectives has created a number of questions over the past year and a half.

Mr. Chun, are you familiar with the Cougar Collective, the NIL collective associated with WASU?

Mr. CHUN. Yes.

Mrs. TRAHAN. And do you or athletic department staff, including coaches, communicate directly with members of the Cougar Collective? And, if so, do they discuss potential recruits that a team may be hoping to land a commitment from?

Mr. CHUN. Not with me directly, and not to my knowledge with any of our coaches. Our interaction with them has been education. They have done compliance education with us. Really, we meet—our compliance staff probably meets with them at least—I think they have a standing meeting once a month, just to ensure compliance with the rules.

We are fortunate our collective is filled with alums that care about the institute that are—

Mrs. TRAHAN. Sure.

Mr. CHUN [continuing]. Really focused on following whatever rules exist. And we do not have an NIL law in the State of Washington.

Mrs. TRAHAN. So I have—I think one of the things that we need to talk about when we are talking about these collectives are whether or not, you know, there are conversations about specific athletes in tandem with universities.

Mr. Chun, is it your understanding or your belief that the Cougar Collective prioritizes women athletes at the—as equally as they do male athletes?

Mr. CHUN. I know they have had conversations. We do not have access to what exact deals are happening, but I know they have communicated to us that they are working to try to find opportunities for our women. They understand, you know, at our institution specifically, I mean, our women sports are performing at pretty spectacular levels.

So they recognize the challenges that our women coaches have as well, but we do not—there is no—we don't have any clarity exactly on what the deals are.

Mrs. TRAHAN. Mr. Stahl—Dr. Stahl, I am sorry—I am curious to hear your thoughts on this as well. Are you aware of active collusion between athletic departments and collectives? And would you say that, generally speaking, collectives tend to approach NIL arrangements with the goal of equally supporting men and women athletes?

Dr. STAHL. I mean, it depends on what you mean by “collusion.” I think one of the reasons I found the discussion somewhat odd today about collectives is what I know from around the country is athletic department heads, like Mr. Chun, are encouraging donors to donate money to collectives. It is a huge thing. It happens everywhere.

And so, you know, to the extent that we would need some sort of NIL Federal law, like what exactly would they want said about collectives? Just the messaging is very unclear.

So, in terms of collusion, I mean, that—

Mrs. TRAHAN. Coordination.

Dr. STAHL. Well, athletic director—I will put it very simply. Athletic directors around the country are absolutely encouraging donors to donate money to collectives. This happens everywhere.

Mrs. TRAHAN. In addition to that, it would also be helpful as we consider where the boundaries of Title IX are if we are also having conversations about specific recruits and how those collectives are set up to recruits to—to recruit athletes, excuse me.

Thank you. I know I am over my time, Mr. Chair. I yield back.

Mr. BILIRAKIS. Thank you. Thank you so much.

Now I will recognize Mrs. Lesko from the great State of Arizona. You are recognized for 5 minutes.

Mrs. LESKO. Thank you all for being here. And I am from Arizona, so I am proud that the University of Arizona, Arizona State University, and Grand Canyon University all made the NCAA men's basketball tournaments this year.

I have a question for Mr. Chun. Mr. Chun, we have talked about this a bit, but over 30 States have passed laws relating to name, image, and likeness rights. Some of these laws have been in effect for over 2 years. While the need for a uniform policy is understood, can you cite specific examples where a State was significantly advantaged or disadvantaged as compared to another State, and the impacts they have had on a student-athlete monetizing their name, image, likeness?

Mr. CHUN. Well, I can—I can just cite our own State. Because we don't have a law, initially I thought that would be to our advantage and give us flexibility. But in all reality, we are governed by State ethics law, so it is really restrictive on comparatively what other States are doing.

So, in the State of Washington, really they are limited to education, but we can't steer our student-athletes towards specific deals or work with collectives, as it has been legalized in some other States.

Mrs. LESKO. And, Ms. Mudge, speaking—what are some of the biggest concerns among student-athletes regarding NIL? And how can Federal legislation mitigate them?

Ms. MUDGE. I think for the Federal legislation it would just be helpful to be on the same page. I know there is still a lot of information that we can learn about. NIL, I would say one of the biggest concerns is just education and knowledge of what NIL is, how can we use it to our advantage.

I know for me, going into the NIL space, I was very nervous my first couple of deals, because the last thing I want to do is put my eligibility in question. And my compliance department, my athletic department, has been very helpful in teaching me and educating me, but I think across the board it would help to have more education federally with all of the schools in our Nation, just to teach us what NIL is, how to read contracts, how to see a good deal from a bad deal. I feel like there's a lot of people that could take advantage of how young we, as student-athletes and college student-athletes, are.

So I think just being able to have legislation, so that we are on the same page and we do have a level playing field no matter what State that you are in, and just having the education to learn more.

Mrs. LESKO. Thank you very much.

Mr. Chun, it is my understanding that NIL collective can offer student NIL deals before they commit or show up on campus. First of all, is that correct?

Mr. CHUN. Not based on NCAA rules, but probably different by the—part of the issue with the patchwork of State laws.

Mrs. LESKO. And so my question is, how do we ensure that NIL deals aren't being used to persuade students to pick certain schools?

Mr. CHUN. That is why we need a Federal standard.

Mrs. LESKO. Some people have proposed ideas like making student-athletes employees of the university. How could this hurt smaller sports in smaller universities? And will some universities choose to get rid of intercollegiate sports programs altogether?

Mr. CHUN. I don't know how you differentiate one sport from the other relative to the employment. So if we are—I don't—like I stated earlier, the inputs are the same. The commitment, the sacrifice, all the things that go into being a student-athlete are no different for a softball player or volleyball player, football player, basketball player. No difference between our men's and women's basketball programs.

I don't know how you cite one as employees and the other one not. So it is just fundamentally flawed there, and I also don't—the notion of underperformance leads to firing just is counter to college athletics. It is about academics. It is about earning that degree. It is the immeasurable impact college athletics has.

Mrs. LESKO. Mr. Stahl, you had mentioned along the way in some of your testimony about health coverage for student-athletes. And I just was wondering if you would expand upon what you are looking for. Is it lifetime health coverage? What are you asking the universities to pay for?

Dr. STAHL. I am asking them primarily to negotiate about what is appropriate, right? So we don't—we are not coming into this and

saying it has got to be X, Y, and Z. I certainly have ideas. Our members have ideas. I think, you know, back to the main point of my testimony, I think that the problems of the industry are enormously solvable by those within the industry, including the players through our independent players associations.

And so this is one of the things we would like to sit down and talk with Mr. Chun about or, you know, we could have it at an institutional level, a conference level, what have you. I think this is how you get to actual workable solutions. It is not through Federal legislation written by people who are not involved in the industry.

Mrs. LESKO. Thank you, and I yield back.

Mr. BILIRAKIS. Thank you. I now will recognize the gentleman from Georgia, Mr. Allen, please, for 5 minutes.

Mr. ALLEN. Thank you, Mr. Chairman. I want to thank all of our witnesses for being here today. This is a very complex issue, and it—you know, college sports is a very special and particularly American tradition.

And, as an alumni, I know I enjoy college sports, and I enjoyed playing in high school. Played football and basketball and baseball, and—but when I got to college, my abilities were better served to get in the workforce. And so I was able to get a job and put my way through college.

However, my roommate was a walk-on, and he didn't enjoy the same opportunity. He was—I mean, even back then, it was full-time. I mean, he couldn't get—he couldn't get a job. So, obviously, his situation was compromised. I mean, you know, because, I mean, where are you going to get the—you know, you want to enjoy the college experience, but then again, you know, and you don't want to be sitting there with a family worried about how you are going to feed them.

So I agree something has to be done here, because, you know, college football, you play it because you love it, or basketball or baseball or women's softball. I mean, you have said, "The reason that I am doing this is because this is what I want to do."

But, at the same time, you know, it is—even in high school today—I mean, I have got 14 grandchildren, and I go to their sporting events, and they are full-time. I mean, it is incredible what sports—it has just taken over. And you get on a travel team, and you are all over the place. It is amazing. I don't know how these parents do it today.

But so, you know, you have asked Congress to solve this problem, because you are going across State lines. OK. And when you are going across State lines, you have got varying laws in States. I mean, what is going to keep an athlete who travels over to—from Georgia to Alabama to play football, and there is a different deal over here? So I agree there has got to be some—there have got to be some guardrails here.

Mr. Chun, how many athletes in your program since NIL was originated have entered the transfer portal to improve their NIL opportunity?

Mr. CHUN. That is a very good question. That I could not give you an exact number because it would just be based on rumors.

Mr. ALLEN. Right.

Mr. CHUN. But—

Mr. ALLEN. But it happens.

Mr. CHUN. It happens. And it is the reality. I mean, we are seeing it all across men's basketball right now with entering the portal, and you can see the list—go on social media and see the listing of schools that are so-and-so contacting X person, and—but it is the reality of the world we are in right now.

Mr. ALLEN. Right. You mentioned that currently there is a team in the NCAA basketball that the coach is tampering. What do you mean by “tampering”?

Mr. CHUN. So what I read—and, well, what was—what was articulated in the story was during—throughout their tournament, the run for Florida Atlantic, the coach articulated that third parties—

Mr. ALLEN. Right.

Mr. CHUN [continuing]. Were reaching out to his current athletes—and they play this Saturday in their pursuit for a national championship—about going to their schools. That is tampering.

Mr. ALLEN. Really. Wow.

Mr. CHUN. We have—and it is probably at its lowest levels or worst levels—

Mr. ALLEN. Right.

Mr. CHUN [continuing]. But yes.

Mr. ALLEN. And, as I understand it, on the NILs and where this money is coming from, it is coming from alumni primarily, isn't it? Is that where the colleges are getting the—

Mr. CHUN. The collectives.

Mr. ALLEN. The collectives—

Mr. CHUN. But—

Mr. ALLEN. Yes.

Mr. CHUN [continuing]. There's companies involved. I mean, it is a blend of true NIL, and if it is a recruiting—

Mr. ALLEN. So, for example, if you had alumni participating, their business participating in this, they wouldn't be apt to want that money to go to—you know, as far as parity is concerned. In other words, if they are doing it for college football, that is where they want that money to go. Would that—could they—can they decide or direct the money that they put in the NIL to go to one specific sport or one specific college?

Mr. CHUN. Well, I think if it is true NIL, it is—you know, we are not—I would not suggest limiting anything for student-athletes. That is true NIL, that is endorsement opportunities, that is—that they are paying for actual real work. It is—

Mr. ALLEN. Right.

Mr. CHUN. If it is inducement or recruiting tool, tampering, that is where the issues come into play.

Mr. ALLEN. And that, Dr. Abdullah, is what would be affecting you is that, you know, these collectives would then—in order for parity to exist, equity to exist, these collectives would then have to funnel so much money to athletes in our Division I, II, and HBCU schools as well.

Dr. ABDULLAH. Yes. It would make it difficult to have parity. But I think that 70 percent of my kids are Pell eligible, and so for me and for my kids it is about the—it is about their ability to get funds so they can go to school and maybe have possibly the biggest

payday that they can have. And so I firmly am behind them trying to do the best that—

Mr. ALLEN. Right.

Dr. ABDULLAH [continuing]. We can.

Mr. ALLEN. And I agree. Thank you.

I yield back, Mr. Chairman.

Mr. BILIRAKIS. Thank you. Excellent questions, by the way.

All right. Mrs. Harshbarger, you are recognized for 5 minutes.

Mrs. HARSHBARGER. OK. Thank you, Mr. Chairman.

Thank you all for being here. I am going to tell you some things that I have learned from talking to different schools, and you correct me if I am wrong, and then I will give you some questions. OK? How about that?

You know, I want to talk about portals. I want to talk about agents. And then I want to hit the collectives. I mean, I don't really want to hit them. I just want to see if what I have learned is true.

The portals. There's no contracts. These athletes are free agents every year. Am I correct? You can play for a year, then go into the portal, see if you can get more money, and then I guess stay with the school that you were planning if you don't get more money? Is that correct? Yes or no. Or is it true? Ms. Heppel, maybe you know.

Ms. HEPPEL. I am looking down to the left for—you know, the transfer portal is the means by which student-athletes are able to let other schools know that they are interested in transferring.

Mrs. HARSHBARGER. So if a student goes through that portal—and this is what I have come to the understanding—if they have a scholarship on the table and they go through the portal, from what I am understanding, is 35 to 40 percent of these student-athletes will lose their scholarship if they are not picked up in the portal. Am I correct?

Ms. HEPPEL. That is a possible outcome—

Mrs. HARSHBARGER. Yes.

Ms. HEPPEL [continuing]. When they inform their current school—

Mrs. HARSHBARGER. Absolutely.

Ms. HEPPEL [continuing]. That they are looking elsewhere. Yes.

Mrs. HARSHBARGER. All right. That is a bad thing. You know, and I am all for like a revenue-sharing model, and I think that is what it was intended to be.

Let's go to these agents or so-called agents that are recruiting young women like you, and some of these young men. You know, I don't even know what the criteria is for these agents, and, you know, you get a 3 to 4 to 5 percent recruiting fee, but then I have heard that some of these agents will garner up to 80 percent of that student's income, which is pathetic. There is no regulation there.

And I will put it to you this way. Based on what I have seen over the last couple of years, it is clear that the courts, nor the States, can establish uniform rules. Therefore, you are sitting in front of Congress, probably not where you want to be.

But something has to be done. What do you think about the revenue-sharing model for these schools per sport? And I understand on a first-sports basis football, you wouldn't be able to do that. Am I correct?

Ms. HEPPEL. Not within the Patriot League.

Mrs. HARSHBARGER. Yes.

Ms. HEPPEL. There is not revenue generated from any of the individual sport programs within the league.

Mrs. HARSHBARGER. And I have heard that these agents should be maybe in a marketing capacity where a certain percentage is what they get. But correct me if I am wrong, this, too, I understand that you have got these collectives that are—you know, 60 percent of their NIL payments come from wealthy donors, and that is not sustainable. If you have one donor that gives 8 to 10 million, they are not going to do that every year.

But now I understand that schools are allowed to help them fund raise. Is that correct? And that happened in October of last year? Do you all know about that?

Ms. HEPPEL. As of this moment in time, I am not aware of any collectives within the Patriot League. So I would—

Mrs. HARSHBARGER. OK.

Ms. HEPPEL [continuing]. Be hard-pressed to speak to—

Mrs. HARSHBARGER. OK. Because—I won't blame the schools, but I was told that now they are using athletic associate foundations to recruit, because sometimes these donors go out and recruit athletes that the school really didn't want to recruit, and they are stuck with them.

So now, through these foundations, the schools can have some input on who they want them to go after. So that is something to be looking for.

You know, there are just a lot of unknowns here. I know there's something else on here that I—I just needed clarification about this, because if we need a standardized—if we need to do standardized legislation, that is what we are here to do. But I have to have all of the facts, and I have to have correct facts and not hearsay in order to do that.

What do you think Congress should do? What about the revenue-sharing models with some of these companies and corporations? What is your opinion? We can just go down the line.

Ms. HEPPEL. You know, I think as I have read that revenue sharing, to me anything that opens the door toward an employee status we need to be cautious, very cautious about.

Dr. ABDULLAH. I think we need to make sure that the athletes that are involved in these revenue-generating sports and generating a lot of revenue, that they have the opportunity to find out what their value is and to get funds for that value.

Mrs. HARSHBARGER. Absolutely.

Mr. BURTON. I am against revenue sharing from like—in the sense of employee or employment, because that is where, in my opinion, amateurism becomes professionalism.

Mrs. HARSHBARGER. Yes.

Ms. MUDGE. As an Olympic sport athlete, I am also against revenue sharing. Just I want future softball players, future college athletes, to have the same experience that I did, and it is scary to think that the funds that are used to fund softball could be taken away and that Olympic sports wouldn't be a thing anymore. So, yes.

Mr. CHUN. I would agree. I don't—I don't see if—how this—how an employment model works across all the sports that are sponsored across the NCAA.

Dr. STAHL. We take the position in our platform: Percentage of the big money and media rights revenue contracts for the players whose name, image, and likeness is used in that media, there is going to be billions of new dollars in the coming 2 years, and the players whose—who generate that wealth should be able to share in it.

Mr. BILIRAKIS. OK. Thank you. Thank you very much.

The gentlelady yields back.

Mrs. HARSHBARGER. I yield back.

Mr. BILIRAKIS. Now I will recognize the gentleman from California, Mr. Cárdenas, for 5 minutes.

Mr. CÁRDENAS. Thank you very much. Appreciate Chairman Bilirakis, and also Ranking Member Schakowsky, for holding this hearing. And thank you for allowing me to waive on to the committee so that I can get involved in this discussion before the American people, who hopefully are watching.

And this topic is very important, and I am glad that we are having this discussion, though my colleagues have pointed out the range of issues confronting student-athletes today goes well beyond NIL concerns. In 2021, the NCAA brought in \$1.15 billion in revenue—that is with a B. The product that they garnered this money from comes from young adults who put their bodies on the line to bring to viewers across the country and across the world what generates all of this money.

And, therefore, it goes—should it go anywhere else? Absolutely, I think that the people who are actually putting their bodies on the line, putting their—in some cases putting their life on the line, should be able to benefit from all of this revenue and what actually creates the revenue.

Mr. Chun, could—would collegiate athletes be better protected if they were part of a union?

Mr. CHUN. I know the student-athletes at Washington State, the benefits and services that they are provided, along with being a part of the Pac-12, provide a litany of academic support, strength and conditioning support, and—

Mr. CÁRDENAS. So are they better off now that they have that opportunity?

Mr. CHUN. You would—I would need a point of reference on what—

Mr. CÁRDENAS. OK.

Mr. CHUN [continuing]. "Better off" means.

Mr. CÁRDENAS. Thank you.

Mr. CHUN. Yes.

Mr. CÁRDENAS. Mr. Stahl, do you agree that they are better off today than they were before they had that opportunity?

Dr. STAHL. Before they had what opportunity, sir?

Mr. CÁRDENAS. The opportunity to have representation.

Dr. STAHL. Well, we are still in that middle space where that is what we are trying to provide. We are trying to provide representation. And for college athletes who do want to attempt to unionize, we want to be there to help facilitate that.

And to answer your first basic question: Yes, absolutely. Anyone who is, you know, going to be a member of a union is going to have far more workplace protections than someone who isn't.

Mr. CÁRDENAS. So are there people on the campus who are actually members of unions who actually go to work there every day?

Dr. STAHL. Oh, absolutely. Yes. I mean, the universities bargain with unions across—every university in this country bargains with unions, yes.

Mr. CÁRDENAS. And those employees who are on that university who go to work, whether they teach or whether they are janitors or what have you, who are members of unions, are they better off now that they have representation than before they had representation?

Dr. STAHL. A hundred percent.

Mr. CÁRDENAS. Well, I would venture to believe that students would benefit as well if they had representation in any environment on any campus, especially when they are the ones at the core of generating the revenue, not just the revenue that I just spoke of—that was just the NCAA's revenue in 1 year—much less the revenue that is actually generated in other aspects as well.

One of the things that I would like to point out is that the stated mission of these unions is to empower individuals to create a strong collective voice and to achieve and maintain excellent wages and benefits and working conditions.

So, Mr. Stahl, would collegiate athletes be able to have better representation, be in better situations? And what is the biggest obstacle to collegiate athletes organizing today?

Dr. STAHL. Fear of retaliation. I mean, we saw this at Penn State this past summer. I think there is—

Mr. CÁRDENAS. What did that retaliation look like?

Dr. STAHL. Well, I think there is just an issue of there is—within college football—again, I am only going to speak to our members. I am only going to speak for—

Mr. CÁRDENAS. Sure.

Mr. STAHL [continuing]. College football.

Mr. CÁRDENAS. Sure. Please.

Dr. STAHL. Yes. I think within college football you have ample opportunities for retaliation against players who would want to engage in organizing efforts, either towards the union or towards something else, right? Some sort of voluntary chapter within a players association.

There are so many men who are on these teams, right? If you engage in this type of organizing effort, retaliation can take the form of something you are just not even going to notice, right? Loss of playing time, right?

And so, yes, I do think that is my biggest fear for sure.

Mr. CÁRDENAS. Thank you. I have an article here written by Notre Dame University President John Jenkins who discusses some of the support that Notre Dame gives voluntarily on their own, their internal policy towards student-athletes. Notre Dame provides 10 years of coverage for its athletes after an injury occurs and guarantees that student-athletes will keep their scholarship regardless of performance on the field or injury.

I would like to submit this for the record, Mr. Chairman, if—

Mr. BILIRAKIS. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. CÁRDENAS. OK. Thank you so much.

Obviously, Notre Dame is a large and well-funded institution. Dr. Abdullah, what sort of support would you need from the NCAA in order to provide similar protections for your athletes at your school or at a school the size of Virginia State?

Dr. ABDULLAH. The easy answer is we would need additional revenue to be able to provide all of those.

Mr. CÁRDENAS. OK. Does it sound like an organization that pulls in over \$1 billion a year might, if they choose to, be able to provide that kind of support, so you could meet them halfway maybe and make it happen?

Dr. ABDULLAH. I imagine that they would, sir.

Mr. CÁRDENAS. OK. Thank you so much.

I yield back the balance of my time.

Mr. BILIRAKIS. Thank you. I thank the gentleman.

I now recognize the lady that represents Gainesville, Florida, home of the University of Florida Fighting Gators. You are recognized for 5 minutes, ma'am.

Mrs. CAMMACK. Thank you, Mr. Chairman. And, as always, it is great to be a Florida Gator. Trey knows what we are talking about. Sorry, FSU, I know you hate that. But this is a great day. Regardless, I think we are going to see some great bipartisan work done in the way of addressing this issue that I think should have been addressed a while ago. I think the cat is a little bit out of the bag.

Back in 2021 when States started putting the patchwork framework together, it kind of made a bit of a mess for us on this side of it, but we are here now.

So I am going to start with you, Ms. Mudge. Should NIL contracts be permitted when a student-athlete sport is in season? Or should there be a balanced approach in how NIL rules are applied when a student-athlete is in or out of season?

Ms. MUDGE. Yes. That is a great question.

Mrs. CAMMACK. Thank you. It is a Gator question.

Ms. MUDGE. I would say that NIL contracts should be permitted in season. I think it is a very individualistic approach, as I have teammates that don't want to benefit from NIL and don't want to pursue certain opportunities, and I have teammates that do. And I think that is the freedom of NIL, is that we can choose.

I personally don't feel too stressed during season to go forward with NIL contracts. And if I do, the companies that I have been able to talk with have been very, very lenient and very helpful in understanding my schedule. So I personally don't think that there should be certain times when NIL can and can't happen for athletes, just because of the freedom that we have the control to choose if we want to do a deal or not.

Mrs. CAMMACK. Thank you.

Mr. Burton, same question to you.

Mr. BURTON. No, not at all. I mean, what happens if I score, you know, five or six touchdowns in the game, you know, and the next day someone wants to give me an NIL deal. So I don't think—by no means do I think there should be a limit on when or how or anything like that on NIL. Make as much—the players should be

able to make as much money as they possibly can from that standpoint.

Mrs. CAMMACK. OK. Thank you.

Mr. Abdullah, same question to you from the university perspective.

Dr. ABDULLAH. Excuse me, ma'am. Would you mind repeating the question?

Mrs. CAMMACK. Should student-athletes be able to engage in NIL deals during their season or not?

Dr. ABDULLAH. I believe so. I believe that student-athletes shouldn't have any restrictions on their ability to generate NIL dollars.

Mrs. CAMMACK. OK. Excellent.

Mr. Chun, you described your extensive work with several of the NCAA committees, including the Transformation Committee. You briefly touch on the issues with a potential employer-employee situation regarding the student-athletes. And I wanted to know, did you guys touch on any of the revenue-sharing models, the impact that that would have, if it were applied to all sports? If so, did you simulate what specific actions, if any, athletic departments would take in order to comply with the type of model?

Mr. CHUN. We did not.

Mrs. CAMMACK. Wow, that was the shortest answer ever. All right. Thanks.

This one is for you, Ms. Heppel, and also to you, Mr. Chun. Should there be an office or a clearinghouse specifically within either schools, conferences, or the NCAA to review and validate companies or individuals, not necessarily contract details, but those that seek to partner with student-athletes for an NIL deal?

We will start with you, Ms. Heppel.

Ms. HEPPEL. I think that is a great question, and I think it is something I have thought a lot about. I think the importance of ensuring student-athletes understand what their fair market value is and ensuring that they are entering into legitimate deals are the two paramount issues.

Mrs. CAMMACK. Absolutely. Mr. Chun?

Mr. CHUN. Nothing to add. I agree with that. The clarity that student-athletes would get from understanding the market—and I think someone mentioned earlier just seeing what also is appropriate to have with your attorneys or agents that are representing you from a commission standpoint, those are critical factors for our student-athletes.

Mrs. CAMMACK. Excellent. Going back to you, Ms. Heppel, according to the NCAA, over 20,000 international students compete in collegiate athletics. These athletes are precluded from engaging in NIL activities because of what that would mean for their visa status and employment status.

What steps can Congress take to allow for these athletes to take advantage of the same types of opportunities that are available to their peers? And what would we expect the impact to be on the athletic programs within the universities?

Ms. HEPPEL. I—you know, I am not an immigration lawyer, and I think that is where some of this has been hung up, from a pure—as a commissioner of an athletics conference, with schools that re-

cruit nationally and internationally, I don't differentiate, and we don't differentiate on our campuses. All student-athletes should ideally have access to NIL opportunities.

Mrs. CAMMACK. From the nodding of everyone's heads, I feel like everyone is in agreement on that. All right. Excellent.

And since I have got—well, I am 7 seconds over. With that, I guess I—Mr. Chairman, I yield back, and of course, go Gators.

Mr. BILIRAKIS. Go Gators.

All right. Next we have Mr. Fulcher from the great State of Idaho. Thank you. I recognize you for 5 minutes.

Mr. FULCHER. Thank you, Mr. Chairman. Just a little bit ago I told my good friend from Georgia I wish I knew a good congressman that would fix a lot of this stuff. But maybe we are short on those too.

I wanted to start with Ms. Mudge, and you said you are about to graduate, as I recall. So look back at the day you enrolled, just in your mind, and tell me if there is anything that you wish you would have known then that you know now about NIL.

Ms. MUDGE. That is a great question. I would say I wish I knew more back then. I wish that there would have been more Federal legislation, just because I feel like the past 2 years, even though I have been able to capitalize on my NIL, it has been very confusing and very just hard to distinguish what deals I can do, what I can't do.

I am very grateful for my athletic department and compliance department for seeing me through those tough times, but I wish that back then I would have been able to have more clear-cut rules of what I could and couldn't do. And I remember when NIL came into play, like I had questions as to why someone in Oklahoma or North Carolina could do things that I couldn't as an NIL athlete. And just the confusion of having different State laws for NIL was really hard for me as a student-athlete, as I am sure I can speak for most student-athletes as well.

So I do wish that even though that—I can't turn back time that we could pass Federal legislation and Federal guidelines soon, just to create just a level playing field and no more sense of confusion.

Mr. FULCHER. Thank you for that.

Mr. Burton, you are in a different place in your life. You have gone through a professional career as well now. But same question. Reflect back before you enrolled in college, and can you address that as well, please, what you wish you would have known then that you do now?

Mr. BURTON. Well, I would say 100 percent finances. My mom—single mom, didn't have much money, grew up with, you know, not much, was really thankful for support from family all across the country, and they provided, you know, a lot for us.

So finances—like, for example, I remember when I got to Philadelphia I was an undrafted free agent. I signed a \$10,000 signing bonus, and they gave me 7,500 bucks. And I said, "You said 10,000, not 7,500. Where did the rest of the money go?" And then they explained taxes to me.

So just, you know, financial literacy. I think now—now having money, it is way more important, and I pay way more attention than I did before when I didn't have money.

Mr. FULCHER. Thank you for that. And we know taxes here.

Shifting gears a little bit, Mr. Abdullah, you referenced something, but not very deep. I would like to go just a little bit deeper. It has to do with agents. How do you protect your student-athletes from perhaps agents or agent access that may not have their best interests in mind? What are some of the things you do?

Dr. ABDULLAH. You know, what we do at Virginia State is provide critical education, have them actually meet with agents on campus and talk about what it means to have a positive relationship.

But I think the real key to making sure across the board that student-athletes are protected is to provide a level of transparency and interactions—and I think it is a question that Ms. Heppel answered just a minute ago—that the more transparency that we have across the board where people understand the deals that are happening, I think the student-athletes and the young people can successfully negotiate and use the right representation to get that done.

I think the more that we keep things in the dark and keep them opaque, I think, is ripe for exploitation of athletes.

Mr. FULCHER. Thank you for that.

Mr. Chun, can you address that question? Agents, how do you deal with that? Maybe the ones who are not so interested in the well-being of your student-athletes.

Mr. CHUN. I agree wholeheartedly with what was said. We need transparency in the marketplace. We ultimately—and we need to allow our student-athletes all the information necessary as they make decisions. We can educate as much as we want, and we are no different than probably all the schools represented here where we go to great lengths to make sure our student-athletes understand all of the points that go into being in this NIL marketplace.

But at the end of the day, they do need some transparency to understand what is—what is out there in the marketplace.

Mr. FULCHER. Ms. Heppel, comment? Quickly.

Ms. HEPPEL. I completely agree with the prior comments.

Mr. FULCHER. All right. Mr. Chairman, I yield back. Thank you.

Mr. BILIRAKIS. Thank you very much. Appreciate it, and the gentleman yields back.

I now recognize the gentleman from Georgia, probably the number one Georgia—

Mr. CARTER. How did you know I was from Georgia?

Mr. BILIRAKIS [continuing]. Bulldog—

[Laughter.]

Mr. BILIRAKIS. Yes. How did I know? OK. Well, I have got to be fair. I have got to be fair.

Mr. CARTER. Sorry.

Mr. BILIRAKIS. Anyway, national champion—two-time national championships, back to back, from the University of Georgia—

Mr. CARTER. Take as much time as you want.

Mr. BILIRAKIS [continuing]. Mr. Carter.

Mr. CARTER. Mr. Chairman, take as much—

Mr. BILIRAKIS. All right.

Mr. CARTER [continuing]. Time as you want.

Mr. BILIRAKIS. Thank you. That hurt, but I—it pained me to say it, but——

Mr. CARTER. Well——

Mr. BILIRAKIS [continuing]. I had to say it.

Mrs. CAMMACK. I am going to sit here the whole time.

[Laughter.]

Mr. CARTER. Thank you all for being here. We are obviously very concerned. And thank you, Mr. Chairman, for this hearing and for your interest in what I consider to be very, very important—look, obviously, I love the University of Georgia. I graduated from there in 1980. We won the national championship that year. We have won back to back. It—you know, I am one of those, just like you, we all love college athletics.

That is why we are so concerned about this, because we don't want to see it ruined. We get it. We understand that—it was even discussed back when I was in school way back then about athletes being compensated. And I get it, and I understand that, but we want it to be done in the right way.

And certainly I know during this hearing we have had some great questions, and they brought up the California's College Athlete Protection Act, and I know that that potentially—and, full disclosure, I have had the opportunity to discuss, you know, the situation with some of the—some of my friends at the University of Georgia in administration.

And that is one thing that they are really concerned about, is if something like this were to go to into—into effect, the impact that it would have on some of the other sports. They offer—we offer 21 sports at the University of Georgia, and we—and they are all very important to our school, and we want to make sure that they continue on.

Dr. Abdullah, can you tell me if your State—if Virginia, where I have grandbabies, by the way, if Virginia followed the California bill, what do you think the impact would be on those other athletic programs? And, listen, they live in Charlottesville, and they go to UVA athletics all the time and enjoy it.

Dr. ABDULLAH. If I am being honest, sir, I don't—I don't entirely know, because those—the impact of that level of revenue sharing is predominantly known by the Power Five schools, the larger schools. At Virginia State University, we are—we are all student-fee driven, and athletics is an extracurricular activity.

And if your grandbabies would love to come to Virginia State, we would gladly recruit them to VSU.

Mr. CARTER. Thank you.

Ms. Mudge, what about you? Do you have any comment on that?

Ms. MUDGE. Yes. I think I am just very grateful for the experience that I have had the past 4 years. And I am not an expert on everything that is happening outside of, you know, my little square of Tallahassee, but hearing about possible revenue-sharing models that could take funds and divert funds away from Olympic sports over to football, men's basketball, to male sports, would be severely detrimental to Olympic sports.

And I just couldn't imagine what my life would be without Florida State softball the past 4 years and the relationships I have made, and the access to education that I have been able to build,

and just everything that I have been able to do the past 4 years. So——

Mr. CARTER. That is why this is so very important to us. Thank you for that testimony. That is spot on. I mean, it——

Ms. MUDGE. Thank you.

Mr. CARTER [continuing]. Changed your life, right?

Ms. MUDGE. Yes. It changed my life. I wouldn't be who I am today without Florida State.

Mr. CARTER. Absolutely. Thank you for that.

Mr. Burton, I am sorry you had to play at the University of Florida, but—and——

Mr. BILIRAKIS. I object to that.

[Laughter.]

Mr. CARTER. Seriously, I want to follow up on what my good friend from North Dakota discussed about the transfer portal and—because that is, you know, that is a concern, too. I mean, wow. It is—so much has changed, and, you know, change is OK, but we have just got to make sure we are not—we are not hurting it.

And that is one thing—I am very concerned about reports, about the way the transfer rule changes coincided with the release of the NCAA NIL policy. I mean, what—how do you feel about that?

Mr. BURTON. Oh, I am not familiar with the policy. What is the policy? Like what——

Mr. CARTER. Well, it led to an environment where, you know, I mean, are they—are they trying—is it pay-for-play? I mean, that is what I keep hearing.

Mr. BURTON. Yes.

Mr. CARTER. I don't know. I am just asking.

Mr. BURTON. Well, I mean, I think the transfer portal and NIL are completely separate conversations. But somehow they are getting blended now, just because there is—they are both possible. Back then, obviously they weren't possible.

You know, I am—I am of the understanding that money is being thrown at recruits, high school and transfer portal in a way, and that is why I think we need to have legislation and laws on what is available to be used for transfer portal and what is not, and just clear boundaries I think is kind of what everybody is asking for right now.

Mr. CARTER. Good. Good. Well, again, obviously, I love a lot—I love college athletics. Let me tell you, I was at the University of Georgia. I got to see John McEnroe play John Sadri in tennis. What a—I still remember it. Sadri had 13 aces, and McEnroe still beat him two and two, beat him like a drum.

And I don't want to see that ruined. I don't want to see it go away. It means so much to so many of us. Thank you all, and thank you again for——

Mr. BILIRAKIS. Buddy, I will give you some more time if you want it. We are waiting for Pfluger.

Mr. CARTER. Yes. I will take more time——

Mr. BILIRAKIS. All right. Go ahead.

Mr. CARTER [continuing]. What else——

Mr. BILIRAKIS. Go ahead.

Mr. CARTER [continuing]. I witnessed in college.

Mr. BILIRAKIS. Don't say anything against the Gators anymore.

Mr. CARTER. No, I am not. I am not.

Let me see what I have got. He is here now, so I will—I will yield back.

Mr. BILIRAKIS. The gentleman yields back.

Mr. CARTER. But one—one last thing.

Mr. BILIRAKIS. OK. Go ahead.

Mr. CARTER. One last thing: Go Dawgs.

Mr. BILIRAKIS. All right. Very good.

All right. Now I will recognize the gentleman from Texas, Mr. Pfluger, for 5 minutes.

Mr. PFLUGER. Thank you, Mr. Chairman. I appreciate it. I know some of us have popped in and out a little bit, but we appreciate all of you being here.

And I think talking about some of these important issues, I was a student-athlete at the Air Force Academy, and obviously it brings a little bit different, you know, considerations to it.

But I will start with Ms. Heppel. As commissioner of the Patriot League, you know, talk to me about what the service academy community is looking at when it comes to the guardrails that may be in place, and how it differs from maybe other institutions.

Ms. HEPPEL. Thank you. You know, in the conversations with the folks at Army and Navy, I think, you know, there is an understanding as—that the Federal employee regulations are very different. I think they would appreciate the opportunities for their student-athletes that are similar to the opportunities that exist outside the service academies.

On the other hand, young people that choose to attend one of the service academies are looking for a very different type of collegiate experience and have different goals, as you know. So it is—it is a unique perspective, very appreciative of what they bring to the table in the Patriot League and their perspective.

Mr. PFLUGER. Well, thank you for that, and I think that is right. You know, Mr. Chun, I will go to you. In part of your testimony, it was interesting—and I am interested to hear your thoughts on the revenue sharing, and, you know, using California's model, that would do to Ms. Mudge and what that would do to Olympic sports if we had the revenue sharing.

And I think traditionally—correct me if I am wrong—but most of the revenue is going to come from football and men's and women's basketball, and that is kind of top three. So what does it do to the Olympic sports and women's sports in particular?

Mr. CHUN. Well, I will answer that from two different angles. One, it would be what I had spoke about before. It is the—it is the flaw in our model that two sports do drive on most campuses—some one—the revenue to run an athletic program, and are also governed by equity in Title IX.

So it is—so it provides opportunities for broad-based programming. Also, as a member of the Pac-12, obviously, we are paying attention to what is going on in California, but it is another example of another patchwork State law that is going to impact how we—how we manage college athletics not only on the west coast and our conference, but it will impact other institutions in the NCAA.

Mr. PFLUGER. Ms. Mudge, your thoughts on that.

Ms. MUDGE. Yes. Just like I stated earlier, I am grateful. Florida State has been the best 4 years of my life. And just with the revenue-sharing model in California, it is very scary to think that athletes like me, future college athletes like me, won't get the experience if that model is—if that model comes into play.

And I know that the funds come mainly from football and men's basketball, but I wouldn't trade my experience for anything. And I am grateful for the 4 years that I have gotten, and just all of the relationships I have made, everything that I have learned academically, athletically, as a person, everything that I have been able to learn in my 4 years, I wouldn't have learned if I didn't come in as a college athlete. And so that opportunity has been one of the best opportunities of my life.

Mr. PFLUGER. Thank you.

Mr. Burton?

Mr. BURTON. Yes. I share the same thoughts from the employment standpoint, though I do think Dr. Stahl does bring up an interesting point in the sense of, you know, college basketball, March Madness, players playing, like I think there might be a way to make that work from the revenue-sharing standpoint, but I don't think it is an employment deal.

You know, I think it may be like there is some talk—I think it was like Division II or Division III tournament where they gave money to collectives to pay players for NILs. So, I mean, maybe that might work. I don't know the answer to that, but I am 100 percent against employment to universities, yes.

Mr. PFLUGER. What—and anybody can answer this. What is the most—I use the term closest alligator to the canoe—I mean, what is the biggest threat we face right now, if we don't do something at the Federal level? And I will kind of look at Mr. Chun and Ms. Heppel. I mean, what—if we don't do something now, what is the biggest threat and what will happen?

Mr. CHUN. I go to what Mr. Burton said. It is about the employment model.

Mr. PFLUGER. OK.

Mr. CHUN. And the impact that will have specifically on five leagues or a subset of schools in those five leagues that ultimately, if you look at where the revenue is generated from, ultimately from the entire enterprise of 500,000 student-athletes, 1,200 institutions.

So what—I guess what alarms me is if that path—if the road took us down that path, I don't know how Division II, Division III, and most of Division I exists anymore.

Mr. PFLUGER. Yes.

Ms. HEPEL. I echo that. I—you know, overseeing a league where athletics does not generate revenue, revenue sharing is probably not viable, but it does—the concern is around opening the door toward the consideration of student-athletes as employees. That would be detrimental.

Mr. PFLUGER. Thank you. I know my time is expiring. Do you think NIL is a good thing for the Congressional baseball game?

[Laughter.]

Mr. PFLUGER. OK. Good. I like that. I am going to have to consider that. We do play one game a year.

Mr. Chairman, I yield back.

Mr. BILIRAKIS. All right. On that note, I will tell you that this was an excellent hearing. The testimony was outstanding, and the questions and the answers, it was so productive, and we appreciate all of you. I really appreciate it very much.

Now, I want to give our ranking member an opportunity to make a statement or her observations, what have you, with regard to the hearing. We would appreciate hearing from you.

Ms. SCHAKOWSKY. Well, once again, I do agree with my chairman that this has been a really excellent hearing, and I really appreciate all of the witnesses.

I think a lot of questions still remain on how are we going to best serve our student-athletes, and I look forward to this being just really the beginning of that conversation that will end in some ways that we do better.

So I yield back. Thank you.

Mr. BILIRAKIS. Thank you. And, again, we do have a lot of questions, and we will submit them for the record. But I think we made a great deal of progress today.

Thank you very much. I remind Members that they have 10 business days to submit questions for the record. And I ask the witnesses to respond to these questions promptly.

I ask unanimous consent to insert in the record the documents included on the staff hearing documents list.

So, without objection, this committee—again, without objection, that will be the order, and we are adjourned.

Thank you very much for all you have done, and I thank the audience as well.

[Whereupon, at 1:17 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

**LENOIR~RHYNE
UNIVERSITY**

March 27, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As an NCAA Division II Vice President for Athletics, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that the majority of athletic programs in the country, namely all Divisions II and III programs, do not generate ANY revenue and instead rely on student fees (from non-athletes), institutional support, and fundraising to support our athletic programs. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete at the highest level of DI deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students. Without your help, countless future students may not have the same opportunity to go to college or to gain invaluable life lessons from participating in collegiate sports.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.

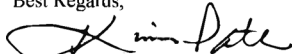
- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and will result in fewer opportunities to both compete and pursue a degree.
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

I would not be who I am today, had it not been for the opportunity to play a collegiate sport and earn an athletic scholarship to make it affordable to go to college. I was a first generation college student and access to higher education was completely out of reach for me. I took away so much from my collegiate student-athlete experience including leadership skills, time management, discipline, and the importance of being a team player. My experience was so impactful that it inspired me to dedicate my entire professional career to helping student-athletes take away invaluable life lessons that will prepare them for success in their future careers and lives.

As a member of a Division II institution that provides twenty-three varsity sports programs while dealing with significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Best Regards,



Kim Pate,
Vice President for Athletics
Lenoir-Rhyne University

To: Rep. Gus Bilirakis (FL-12), Chairman
 Rep. Tim Walberg (MI-05), Vice Chair
 Rep. Jan Schakowsky (IL-09), Ranking Member
 Rep. Larry Bucshon (IN-08)
 Rep. Jeff Duncan (SC-03)
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 Rep. Lori Trahan (MA-03)
 Rep. Yvette Clarke (NY-09)
 Rep. Frank Pallone (NJ-06)

Cc: Minority and Majority Staff Directors,
 Subcommittee Members' Chiefs of Staff

STATEMENT FOR THE RECORD
House Energy and Commerce Committee
Subcommittee on Innovation, Data and Commerce

March 29, 2023

Trinity Thomas - Master's in Health Education & Behavior Student & Florida Gators Gymnast

Pre and Early NIL

When I first came to the University of Florida, prior to NIL being legal for student-athletes, I would coach camps in the summer and different things like that. I remember them wanting to advertise that I was coming, but NCAA rules prohibited the camp or myself from sharing that information. Also, myself, and other student-athletes could only get paid a certain amount due to NCAA rules.

I love working at camps and working with the kids. After it became legal for student-athletes to profit from their NIL, the camps were able to promote it, and I was able to share it on my social media. Then I wasn't getting all these questions about where I was working this summer in my 'DMs' (direct messages). That was probably one thing I looked forward to, just to have that freedom that I didn't think should have been a problem in the first place. That was something that was super exciting to me.

At first, when NIL became legal, I was honestly overwhelmed. I didn't really know what to expect or quite understand it. I watched everybody around me do things at first. I didn't really know what I was supposed to do.

Agent, Coaches and Financial Education

My now agent reached out to me. I spoke with him and we met a few times. I also met with another potential agent as well. I really was just trying to feel out the process, because with agencies, there can be good ones and bad ones, just like anything else. At first, it was hard to navigate, but I made a good choice for myself. He's been super helpful because he was in law school at the time. We've learned a lot together since he graduated.

There's not much guidance on NIL from coaches. They are excited to hear about NIL opportunities that come our way, but they can't set them up for us. What opportunities we get shouldn't affect what we do in the gym. There have been a few opportunities where I've had to be flexible with my schedule. My coaches have worked with me, as long as it wasn't conflicting with any practice times or other team events. That's been helpful.

More recently, we've spoken with leadership from The Hawkins Center (the student-athlete facility focused on professional development, tutoring, and mentorship for student-athletes at UF) about things such as financial literacy. That background knowledge helps a lot, as some student-athletes, like myself, don't get that exposure in our specific majors. It helps us develop and know how to handle ourselves as businesspeople.

I'm a health major, so finance, business, and management are not my strong suits. NIL presented me with new opportunities, and I needed assistance with that aspect. I think that was probably the hardest part for me, I was just nervous because I didn't really know about any of it.

We met with Hawkins Center leadership, and one of the first things that came out of it was financial literacy programming, specifically at the Hawkins Center's NIL Summit. That event was super helpful, in my opinion, especially because it was mandatory. I would make financial literacy events mandatory.

Also, taxes on NIL opportunities are something I'm still trying to grasp. Gathering all the different tax documents is confusing when you're an independent contractor with multiple streams of income. I'm actually meeting with a CPA this Sunday.

I believe that mandatory education sessions on topics such as financial literacy and taxes, even if they become a little redundant at some point, are important because that is what we need to know. A lot of us are young and maybe didn't grow up with these opportunities. Again, I would make it mandatory, at least once a semester. Otherwise, people won't make time for it.

Also, I think it'd probably be easier if it were broken down into smaller groups, as there are a lot of student-athletes. Then everyone has room to ask questions. Breakout rooms like we had at our NIL Summit, with maybe the sessions being a little shorter, 45 minutes instead of an hour. I liked how the sessions at the NIL Summit were very specific. I don't like when they're too broad and I don't know what the session is going to be about. It's easier to focus in and ask questions when it's simply about one topic.

NIL Opportunities

As far as NIL opportunities go, I've done a bunch of different things, and I also have a bunch of new things in the works right now. One of my first was with Honey Stinger, and I also did something for a teeth whitening company. One of my favorites I've had is with Gemini Naturals (hair products). I appreciate opportunities that are unique to me and who I am. For example, I use Gemini Naturals in my hair, specifically their blue gel. I was able to get a bottle customized with my name on it for this season. So that is super fun, and I wear it every week, and have been using it for years. I'm also working on a leotard line. Both opportunities just organically make sense. I was part of H&R Block's first 'A Fair Shot' campaign and continue to be a part of this season's campaign.

When it comes to deciding on a collaboration, I think everybody has their own brand. Picking the right NIL deals really depends on your audience. For me specifically, my audience is mostly young girls, teenagers, and maybe women my age and a little older. So I tried to keep my opportunities super PG.

The wax company was probably my most risky venture. I thought long and hard about that one, but then I thought, "Okay, how are we going to keep it about gymnastics, about me, about being confident in my own skin?" That one ended up going well and was a really great deal. It's important for student-athletes to just be careful. Consider their morals and values, as well as what they want to put out there and who they want to be. It is also critical to consider the time commitment required for that opportunity.

Opportunities are brought to me, either through my agents, or I find myself. But if my agents bring something to me, and I think it's too much, I'll just tell them. We ask if the company can adjust the deliverables on my end. One problem is that sometimes you can commit to something early on, and then work attached to the opportunity piles up later; which can be hard to be flexible around, when you're already in a contract. I would advise other student-athletes to be careful. Make a schedule where you always have control over it, and try not to overextend or overcommit.

One NIL for All

When it comes to different states having different laws, and guidelines around NIL, I think it makes it super complicated for everybody involved. I think it'd be a lot easier if everybody had the same set of rules, standards, and explanations on what can and can't be done. I definitely think it'd be a lot easier for everybody.



March 28, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce
Washington, DC
[Via email](#)

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As an NCAA Division II Commissioner, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently endorsed requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in the much talked about conferences deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.
- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without

special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.

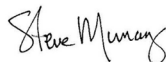
- Safe Harbor from Select Liability Complaints: Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- Preemption of State Law: Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

As the largest athletic conference in the NCAA, the Pennsylvania State Athletic Conference's members provide over 7,000 student-athletes with the opportunity to participate in co-curricular programming while providing over \$36 million dollars in athletic grant-in-aid support. Our student-athletes graduation and retention rates exceed the general student-body's by nearly 10 percent. We are very proud of our athletic and academic successes as well as our commitment to supporting our communities through service opportunities.

The Pennsylvania State Athletic Conference and its 18-member campuses provide broad based sports programs under significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Respectfully,



Commissioner
Pennsylvania State Athletic Conference

To: Rep. Gus Bilirakis (FL-12), Chairman
Rep. Tim Walberg (MI-05), Vice Chair
Rep. Jan Schakowsky (IL-09), Ranking Member
Rep. Larry Bucshon (IN-08)
Rep. Jeff Duncan (SC-03)
Rep. Neal Dunn (FL-02)
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Rep. Lori Trahan (MA-03)
Rep. Yvette Clarke (NY-09)
Rep. Frank Pallone (NJ-06)
Cc: Minority and Majority Staff Directors,
Subcommittee Members' Chiefs of Staff



March 28, 2023

As student-athletes from the Atlantic Coast Conference (ACC), we continue to 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 and protect them from manipulation and exploitation. Most importantly, Congressional action is needed to preserve the collegiate athletics model to ensure equitable opportunities for all student-athletes.

Effective July 1st, 2021, student-athletes have been permitted to profit from their NIL. This is a significant 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 deservedly reaped huge benefits for themselves and their families. Additionally, through NIL, student-athletes have experienced the opportunity to further engage with the communities that surround them, enhance their personal network, and become exposed to the importance of financial literacy. NIL, combined with recent legislative changes to the transfer portal and NCAA Transformation Committee restructuring, truly marks the “Era of the Student-Athlete.” Never before have we – college athletics’ central and original stakeholders – held as much autonomy and influence as we do now.

In September 2021, we, on behalf of our conference’s Student-Athlete Advisory Committee (SAAC) and with signatures from all 15 ACC institutional SAAC presidents, composed a letter to Congress highlighting our concerns with unregulated NIL policies, which included competitive equity, recruiting inducements, and student-athlete status. Now, 18 months later, we are beginning to see many of these concerns come to fruition, and, as such, are petitioning Congress to help rein in an industry that has become out of control.

While the majority of outcomes from NIL thus far have been overwhelmingly positive for student-athletes, the current landscape in which they are operating is not sustainable. Now, multiple recruiting cycles into the NIL era, prospective student-athletes are often lured by collectives to institutions that are not best suited for them from an academic or athletic standpoint, which is contrary to the central values of higher education. While legally not directly tied to an athletic department, some of these collectives are nevertheless taking the lead on recruiting inducements – all without any oversight whatsoever. We believe transparency and accountability for these collectives is paramount to the continued integrity of college athletics, and we support the creation of a national NIL rule-enforcing entity that ensures compliance by institutions, student-athletes, and, most importantly, third parties.

Congressional action needs to protect athletes from exploitation and disproportionate financial and legal liability. While we encourage student-athletes to take full advantage of the opportunities that their NIL provides, we believe that helping us 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. These actions, we believe, will also encourage institutions to provide world-class legal and financial counsel to student-athletes.

We appear to be on a slippery slope towards a “pay-for-play” model for football and men’s basketball, which will have extraordinary negative consequences for all stakeholders within collegiate athletics, from the sliver of top earners down to the lowest-funded athletic programs. Only a marginal portion of student-athletes will be able to significantly benefit from their NIL during college, and an even smaller portion – less than 2% – 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 and fans alike never lose sight of this fundamental truth.

Additionally, a “pay-for-play” model will exacerbate the disparities faced in women’s sports and historically black colleges and universities (HBCUs), as funds will have to be redirected from non revenue-generating sports almost entirely into football and men’s basketball. Even at the Power 5 level, roughly half of athletic departments run a deficit annually. Directly compensating student-athletes will further expose challenges to sustain other sports, potentially forfeiting opportunities for thousands of prospective student-athletes in years to come. In essence, the collegiate model must remain unchanged. 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.

We would be remiss not to mention the inequality that international student-athletes face when pursuing NIL opportunities. Under the current system, international student-athletes are restricted from exercising the rights to their own Name, Image, and Likeness in the United States due to the structure of their visas. On March 23, 2023, Senators Murphy and Blumenthal wrote a letter asking Secretary Alejandro Mayorkas of the Department of Homeland Security to allow international student athletes to profit in some capacity off of their Name, Image, and Likeness without fear of losing their lawful status as students studying in the United States. As representatives of hundreds of international student-athletes in our conference and thousands more across the nation, we join Senators Murphy and Blumenthal in their request.

As student-athletes from both revenue-generating and Olympic sports, representing a Power 5 conference in a multi-billion dollar industry, we truly believe these considerations will shape college athletics for the better. They 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.

We implore Congress to find an equilibrium that preserves what lays at the core of college athletics – competitive equity and access to education – while still allowing student-athletes the rights to their own NIL.

Signed,

DeWayne Carter	Duke Football
John Carter	Boston College Cross Country / Track
Daphné Lavassas	Miami Cross Country / Track
Luke Phillips	Notre Dame Track and Field
Olivia Summiel	Wake Forest Basketball

March 28, 2023

U.S. House of Representatives
 Committee on Energy and Commerce
 Subcommittee on Innovation, Data and Commerce

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The Gulf South Conference consists of 13 member institutions in five states. Institutional missions range from regional public institutions providing higher education access in areas that still feature first generation college students to faith-based institutions with long histories of impact in their communities to literally training rocket scientist in Huntsville, Ala. These institutions provide unique opportunities and access to higher education through athletics scholarships that might not be available otherwise.

As a conference comprised of member institutions that provide broad based sports programs under significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Kind regards,

Matt Wilson
Commissioner
Gulf South Conference

To: Rep. Gus Bilirakis (FL-12), Chairman
Rep. Tim Walberg (MI-05), Vice Chair
Rep. Jan Schakowsky (IL-09), Ranking Member
Rep. Larry Bucshon (IN-08)
Rep. Jeff Duncan (SC-03)
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Cc: Minority and Majority Staff Directors,
Subcommittee Members' Chiefs of Staff



Office of the President
 Sutton Hall, Room 201
 1011 South Drive
 Indiana, Pennsylvania 15705-1046
 P 724-357-2200

March 28, 2023

U.S. House of Representatives
 Committee on Energy and Commerce
 Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As the president of Indiana University of Pennsylvania (IUP) – a university with over 400 student-athletes competing in NCAA Division II sports – and as a member of the NCAA Division II Presidents Council, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently endorsed requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in the much talked about conferences deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.
- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost

of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.

- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

As a member of a Division II institution that provides broad based sports programs under significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at

[REDACTED]

Kind regards,



Michael A. Driscoll
President, Indiana University of Pennsylvania

To: Congressman Guy Reschenthaler
Rep. Gus Bilirakis (FL-12), Chairman
Rep. Tim Walberg (MI-05), Vice Chair
Rep. Jan Schakowsky (IL-09), Ranking Member
Rep. Larry Bucshon (IN-08)
Rep. Jeff Duncan (SC-03)
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Rep. Kat Cammack (FL-03)
Rep. Cathy McMorris Rodgers (WA-05)
Rep. Kathy Castor (FL-14)
Rep. Debbie Dingell (MI-06)
Rep. Robin Kelly (IL-02)
Rep. Lisa Blunt Rochester (DE- At Large)
Rep. Darren Soto (FL-09)
Rep. Lori Trahan (MA-03)
Rep. Yvette Clarke (NY-09)
Rep. Frank Pallone (NJ-06)

Cc: Minority and Majority Staff Directors,
Subcommittee Members' Chiefs of Staff


SHIPPENSBURG UNIVERSITY

1871 Old Main Drive | Shippensburg, PA 17257-2299
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DEPARTMENT OF ATHLETICS

March 28, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As an NCAA Division II athletics administrator at Shippensburg University, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in the much talked about conferences deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.

- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

In my current role and through my experiences as a former Division I student-athlete, DII coach, and DIII conference commissioner, I see first-hand the benefits of participating in college athletics. Not only does sport provide a pathway to education, it offers opportunities for overall well-being and life skills development. Being a student-athlete shapes you for the rest of your life. Whether that is through leadership development, academic success, or overall mental and physical health, participation is value added for college athletes. It is imperative to maintain these overarching benefits as we modernize intercollegiate sport. While there is a small percentage of student-athlete participants at the Division I level who may need their unique interests addressed, we cannot lose sight of the half million other student-athletes participating at the Division I, II, and III levels. These individuals too have a unique interest and deserve a fair, equitable, inclusive, and fulfilling experience and environment.

As a member of a Division II institution that provides broad based sports programs under significant financial pressures, I urge you, as members of the Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Kind regards,



Carrie Michaels
Senior Associate Director of Athletics
Shippensburg University



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 Administration Building
 220 South Jackson Street
 Athens, Georgia 30602-5000
 TEL 706-542-1214
president@uga.edu
www.uga.edu

March 28, 2023

U.S. House of Representatives
 Committee on Energy and Commerce
 Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As the Chair of the NCAA Division I Board of Directors, I recognize college sports are undergoing a significant transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women’s and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize and change. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from legitimate name, image and likeness opportunities, but I support creating much needed safeguards to support student-athletes within this emerging area. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a vast majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support to function. Even within “Autonomy 5” institutions, one or two sports provide most of the revenue to support the other Olympic and women’s sport programs. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in revenue generating sports deserve equal attention to preserve equitable access to the benefits college athletics.

I believe Congress is the only body positioned to stabilize college sports’ legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support and Protection:** Enhance safeguards and provide resources for student-athletes to reduce the risk of bad actors in the NIL marketplace and ensure that contracts and commitments are authentic and honored. We must prevent NIL deals from being used to impermissibly recruit high school or transfer athletes. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.

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- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI could become staggering and could result in fewer opportunities for competition and a reduction in sport offerings. It may also result in the removal of the current protections that student-athletes enjoy as a result of their student status (*e.g.*, student-athlete scholarships cannot be canceled or non-renewed for athletic reasons).
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the colleges and universities need safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies, such as the NCAA, are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven and unworkable playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes and to ensure all institutions competing against each other are playing by the same rules.

College athletics provides irreplaceable opportunities to develop America's next generation of leaders. Our communities are filled with doctors, lawyers, educators, business people, and other civic cornerstones who attribute a portion of their success to their time as student-athletes. The University of Georgia boasts such successes as: [Dr. Leah Brown](#), former women's gymnastics student-athlete and medical innovator; [Dr. Carla Williams](#), former women's basketball student-athlete and higher education trailblazer; and [Maria Taylor](#), former women's volleyball and basketball student-athlete and national sportscaster. The sports these women played are not sponsored because of the revenue they generate but the opportunities they create. These individuals represent student-athletes—former, current, and future—for whom college athletics provides an arena critical for their development as leaders. Future generations deserve these same opportunities.

As a member of a Division I institution that provides opportunities across a wide spectrum of sports, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Sincerely,



Jere W. Morehead
President
University of Georgia

To: Rep. Gus Bilirakis (FL-12), Chairman
 Rep. Tim Walberg (MI-5), Vice Chair
 Rep. Jan Schakowsky (IL-9), Ranking Member
 Rep. Larry Bucshon (IN-8)
 Rep. Jeff Duncan (SC-3)
 Rep. Neal Dunn (FL-2)
 Rep. Debbie Lesko (AZ-8)
 Rep. Greg Pence (IN-6)
 Rep. Kelly Armstrong (ND-At Large)
 Rep. Rick Allen (GA-12)
 Rep. Russ Fulcher (ID-1)
 Rep. Diana Harshbarger (TN-1)
 Rep. Kat Cammack (FL-3)
 Rep. Cathy McMorris Rodgers (WA-5)
 Rep. Kathy Castor (FL-14)
 Rep. Debbie Dingell (MI-6)
 Rep. Robin Kelly (IL-2)
 Rep. Lisa Blunt Rochester (DE- At Large)
 Rep. Darren Soto (FL-9)
 Rep. Lori Trahan (MA-3)
 Rep. Yvette Clarke (NY-9)
 Rep. Frank Pallone (NJ-6)

Cc: Minority and Majority Staff Directors,
 Subcommittee Members' Chiefs of Staff

March 28, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce

ATTN: Tim Kurth
Daniel Greene
Joe Orlando
Lacey Strahm

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29. I can assure you that my university presidential colleagues and I share that priority.

As a matter of context, I recently stepped down after 12 years as university president to a distinguished faculty role. During my 36-year career, I served in various capacities tied to Division-I athletic programs at the University of Arizona (then the Pac-10), University of North Carolina-Chapel Hill (ACC), Texas A&M University (then Big 12), and finally North Dakota State University.

As a second matter of context, I'd like to point out that the vast majority of our Division-I student athletes come to our universities first and foremost for a college education that also allows them to pursue athletic excellence. Toward the latter, they recognize that we provide physical training, sport specific coaching, practice facilities, and ultimately the fields of competition that allow them to test themselves, and to do so in venues drawing regional and national attention. In support of both their academic and student athlete success we provide various packages of scholarships, cost of attendance compensation, focused academic tutoring and support, and many other services well above and beyond what are available to students at large. Even for the relatively smaller albeit high-profile group of student athletes for which academics may not be their priority, they come to our universities knowing well the substantial cost-free advantages offered through us versus other paths to professional careers.

The good news is that intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise -- often if not generally exceeding that of the student body at large. At the same time, those opportunities are under increasing legal and legislative pressures that threaten to upend college athletics. Ironically those pressures are generally catalyzed by issues in just three sports (football and men's basketball, and to a lesser extent women's basketball) within the "Power 5" grouping, and to be truthful, a much more limited number of programs within even *that* grouping.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and representatives of the Association's members have for the past years been creating many of the much-needed safeguards to support student-athletes within that emerging industry. In fact, NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide sweeping enhancement

of benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a vast majority of Division I programs, do not generate significant overall (if any) net revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe that the 400,000 or more students-athletes who do not compete in revenue generating sports deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

From my perspective, Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.
- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for most student-athletes across most athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could if not likely would result in far fewer opportunities for competition.
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively because of the increasing barrage of legal actions with few if any limiting parameters. That said, I would only ask that you protect the Association from litigation in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

At my institution, our very successful athletic program is the glue that brings our university community, local and regional community, and national-wide fan base together. As a member of a Division I institution that provides opportunities across a wide spectrum of sports, I urge you, as members of Subcommittee on

Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Kind regards,

Dr. Dean L. Bresciani
Distinguished Professor | Former President
North Dakota State University

To: Rep. Gus Bilirakis (FL-12), Chairman
Rep. Tim Walberg (MI-5), Vice Chair
Rep. Jan Schakowsky (IL-9), Ranking Member
Rep. Larry Bucshon (IN-8)
Rep. Jeff Duncan (SC-3)
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Rep. Lisa Blunt Rochester (DE- At Large)
Rep. Darren Soto (FL-9)
Rep. Lori Trahan (MA-3)
Rep. Yvette Clarke (NY-9)
Rep. Frank Pallone (NJ-6)

Cc: Minority and Majority Staff Directors,
Subcommittee Members' Chiefs of Staff



March 28, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As an NCAA Division III college president, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in the much talked about conferences deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

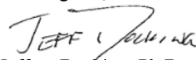
- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.
- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

At Adrian College, about 70% of undergraduates are student-athletes. The College fields over 50 sports teams. Growing the number of athletic teams has been a priority over the past 17 years of my presidency. The growth in athletic programs led to increased campus enrollments and to considerable campus construction. The College grew from about 800 students to 1,700. The growth in students through athletics and the growth in visitors to the town of Adrian has been an economic boon for Southeast Michigan residents with increased hiring, contracts, and business patronage.

As a member of a Division III institution that provides broad based sports programs under significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Kind regards,



Jeffrey Docking, Ph.D.
President
Adrian College

To: Rep. Gus Bilirakis (FL-12), Chairman
 Rep. Tim Walberg (MI-05), Vice Chair
 Rep. Jan Schakowsky (IL-09), Ranking Member
 Rep. Larry Bucshon (IN-08)
 Rep. Jeff Duncan (SC-03)
 Rep. Neal Dunn (FL-02)
 Rep. Debbie Lesko (AZ-08)
 Rep. Greg Pence (IN-06)
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Rep. Cathy McMorris Rodgers (WA-05)
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 Rep. Lisa Blunt Rochester (DE- At Large)
 Rep. Darren Soto (FL-09)
 Rep. Lori Trahan (MA-03)
 Rep. Yvette Clarke (NY-09)
 Rep. Frank Pallone (NJ-06)

Cc: Minority and Majority Staff Directors,
 Subcommittee Members' Chiefs of Staff



Office of the President

March 27, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As a NCAA Division II President, I recognize the dramatic shift taking place across the intercollegiate athletics. The number of students participating in intercollegiate athletics grows year over year in direct correlation to the increase in graduation rates among student-athletes. However, mounting legal and legislative pressures threaten to dismantle the uniquely American avocation, especially participation opportunities in women's and Olympic sports.

Certainly, intercollegiate athletics must modernize. In particular, I stand with my colleagues across the country in full-throated support of NCAA student-athletes benefiting from their name, image and likeness along with the Association-wide safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

As policy makers, please recognize nearly every intercollegiate athletic program in the country, specifically, all NCAA Division II and III institutions along with a majority of NCAA Division I institutions rely heavily on institutional support and student fees to cover athletic department expenses. Past discourse focused on the small number of financially successful athletic programs generating enormous revenues well in excess of overall expenses.

The nearly 500,000 or more student-athletes competing outside of the largest, financially successful and much talked about conferences deserve policy makers' equal attention to preserve equitable access to the priceless benefits intercollegiate athletics affords this diverse population of students.

Further, I believe Congressional action offers the best opportunity to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience, across all level of intercollegiate athletics. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.

The University of Texas Permian Basin
4901 E. University | Odessa, Texas 79762-0001
P (432) 552-2100 | F (432) 552-2109 | www.utpb.edu

- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current levels of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

The University of Texas Permian Basin's athletic programs promote school spirit and unity across our region unlike any other endeavor either on or off campus. Intercollegiate athletics serves as a conduit to access to higher education for many first-generation college students by providing scholarship opportunities.

Through participation in intercollegiate athletics our student-athletes learn valuable life skills in preparation for life beyond the University setting. Student-athletes use leadership, discipline, effective time management, teamwork and sound decision-making on a daily basis; skills businesses look for in hiring.

The connection to campus lasts well beyond graduation as student-athletes develop life-long bonds with teammates and regularly return to campus for athletic events. Again, this uniquely American aspect of higher education needs not only modernization but also stabilization in order to continue serving students from every walk of life.

As a member of a Division II institution that provides broad based sports programs under significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce to advance a uniform federal solution for NIL that provides a level playing field for all student-athletes and which also secures the future of college sports.

Please do not hesitate to contact me directly should you have any questions or require additional information as I would be happy to discuss this topic further at [REDACTED]

Kind regards,


Dr. Sandra Woodley
President

The University of Texas Permian Basin
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Office of the President

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Cc: Minority and Majority Staff Directors, Subcommittee Members' Chiefs of Staff



March 28, 2023

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce:

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As an NCAA Division I Director of Athletics, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a vast majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in revenue generating sports deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.

- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.
- **Safe Harbor from Select Liability Complaints:** Identify select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. Governing bodies such as the NCAA are best positioned to enforce or adjust many of the provisions of this proposal but lack the ability to do so effectively. Protect the Association from endless litigation only in matters essential to the carrying out the provisions above so a non-government entity can continue to administer college athletics in line with the direction provided by Congress.
- **Preemption of State Law:** Codify that federal law preempts state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for all college athletes. Unifying federal legislation on topics such as NIL will both empower student-athletes to monetize their NIL and maintain the current collegiate athletics model to ensure competitive equity for all student-athletes.

As a member of a Division I institution that provides opportunities across a wide spectrum of sports, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me at [REDACTED]

Kind regards,



Greg Christopher
Vice President for Administration and Director of Athletics

March 28, 2023

U.S. House of Representatives
 Committee on Energy and Commerce
 Subcommittee on Innovation, Data and Commerce

Dear Distinguished Members of the Subcommittee on Innovation, Data and Commerce :

Thank you for prioritizing the important issue of student-athlete name, image and likeness (NIL) at your upcoming hearing on March 29.

As an NCAA Division III student-athlete, I recognize college sports are undergoing a massive transformation. On one hand, intercollegiate athletics is thriving. The number of students participating in college sports continues to set records while graduation rates among student-athletes continue to rise. At the same time, these opportunities – particularly those for student-athletes participating in women's and Olympic sports – are under increasing legal and legislative pressures that threaten to upend college sports.

I want to be clear, leaders like myself recognize and agree that college sports must modernize. The colleges and universities that make up the NCAA believe student-athletes deserve to benefit from their name, image and likeness and the Association is exploring creating much needed safeguards to support student-athletes within this emerging industry. Additionally, the NCAA Division I Board of Directors recently [endorsed](#) requirements for schools to provide enhanced benefits for degree completion, scholarship protections and post-participation medical coverage for all Division I student-athletes.

Still, it is essential that policy makers recognize that nearly every athletic program in the country, namely all Divisions II and III and a majority of Division I programs, do not generate significant revenue and instead rely on student fees (from non-athletes) and institutional support. While past discourse has focused on the small number of athletic programs that are financially successful, I believe the 400,000 or more students-athletes who do not compete in the much talked about conferences deserve policy makers' equal attention to preserve equitable access to the benefits college athletics affords this diverse population of students.

I believe Congress is the only body positioned to stabilize college sports' legal environment and provide student-athletes with a fair, inclusive and consistent experience. To do this, I urge the Subcommittee members and all Members of Congress to adopt legislation that addresses the following critically important elements:

- **Student-Athlete Support:** Enhance safeguards and provide resources for student-athletes to mitigate the risk of bad actors in the NIL market and ensure that contracts and commitments are honored. Through increased deal transparency, an NIL registry and agent requirements, student-athletes will be able to maximize their NIL opportunities.
- **Special Status of Student-Athletes:** Affirm the current and unique relationship between universities and student-athletes, rather than student-athletes as employees of an institution. Legal and legislative pressures to classify student-athletes as employees would forever alter the student-athlete experience, risking opportunities for student-athletes across athletic programs, especially those competing in

Olympic and women's sports. Without special status, the cost of operating the current level of athletics across most of DI, all of DII and DIII could become staggering and could result in fewer opportunities for competition.

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College sports have allowed me to develop and hone skill sets that will serve me throughout life, both personally and professionally. The opportunity to participate in collegiate sports has helped me to manage my time, work better in a team environment, and overcome adversity. The most important skill I've learned is how to compete. It is important to be competitive as a professional, the competitive aspect of collegiate sports teaches you a work ethic and discipline to succeed. College athletics have been the best extracurricular and professional development experience in my life. The experiences I've had have given me the confidence to pursue interests off the field. The traits honed by participating in collegiate athletics provide me a roadmap to succeed in any endeavor I choose to pursue.

As a member of a Division III institution that provides broad based sports programs under significant financial pressures, I urge you, as members of Subcommittee on Innovation, Data and Commerce, to advance a uniform, federal solution for NIL that provides a level playing field for all student-athletes and that secures the future of college sports.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at [REDACTED]

Kind regards,

Jack Langan
Vice-Chair Of Division III National SAAC
NCAA

Even the Supreme Court Can't Save the N.C.A.A. From Itself

March 21, 2023

By Bomani Jones

Mr. Jones is the host of "Game Theory With Bomani Jones" on HBO.

The N.C.A.A. is the easiest target in sports, and that's entirely its own fault. Decades of defending a system premised on the unpaid labor of its athletes — a system that Walter Byers, one of its architects, later regretfully compared to a "[neo-plantation](#)" — has whittled the N.C.A.A.'s credibility to near nonexistence.

The latest debacle is the market for names, images and likenesses, known as N.I.L. New rules allow players to earn money for endorsements and appearances, and some of the biggest basketball stars in this year's March Madness tournament, from Oscar Tshiebwe of Kentucky to Drew Timme of Gonzaga, have already cashed in on lucrative deals.

But the N.I.L. market, which was supposed to empower players, is raging out of control. The N.C.A.A. had years to prepare for this new day but chose not to. Now it's hoping that state and federal legislators will do the regulating for it. All of the N.C.A.A.'s kicking and screaming — first to prevent N.I.L. payments, now for Congress to step in — has been to prevent even outside third parties from paying its workers. That falls somewhere between cruelty and outright hatred.

The discussion around these new revenue opportunities only diverts attention from the N.C.A.A.'s original sin: its refusal to share its profits directly with the players most responsible for generating those profits. N.I.L. doesn't fix that. In fact, it highlights just how negligent the N.C.A.A. has been.

The N.I.L. market exists thanks to a 2021 Supreme Court [decision](#) in the case of N.C.A.A. v. Alston, which declared that previous rules limiting athlete compensation violated antitrust laws. So N.I.L. was born: a system that allows players not to be paid for playing but to be paid instead for sponsorships, endorsement deals and appearances. What resulted was perhaps the N.C.A.A.'s biggest nightmare: a world where its players weren't completely broke and powerless.

While N.I.L. grabs the headlines, the N.C.A.A. is also [lobbying Congress](#) against reforms that would ensure that players are recognized as employees of the schools they play for. This recognition would benefit *all* players, not simply those famous enough to sell products using their names. It would be a step toward future health care for student-athletes. It would be the first true recognition of what these players provide their schools: hard work.

Meanwhile, the N.I.L. doomsayers who swore paying athletes would lead to chaos have had their fever dreams realized. The once clandestine practice of funneling payments to players through shady middlemen has been replaced by donor collectives — groups organized by college boosters to seek opportunities for players to monetize their N.I.L. rights. Which is to say, they comprise middlemen with business cards.

Take the case of [Jaden Rashada](#). A highly touted high school quarterback recruit from California, Rashada committed first to the University of Miami in June 2022. He would receive, reportedly, an N.I.L. package that would pay him \$9 million.

Then the University of Florida offered him a package worth a reported \$13.85 million, and he changed his allegiance.

That money — from the Gator Collective, a group of donors who support the team — was supposedly for N.I.L. licensing, but it would have offered him A-list Hollywood compensation for doing as little as send a tweet. But as it turns out, the point is moot.

The Gator Collective reneged on its offer. The reasons were unclear. What was clear was that, just days before National Signing Day and after most schools had chosen quarterbacks for that recruiting cycle, Rashada's options were slim.

Rashada eventually signed to play at Arizona State, and his N.I.L. valuation has sunk to [about \\$400,000](#).

That outcome is utter madness, but by no means unique.

This is a reminder that, as always, the players are the most vulnerable parties in college sports. The players have no lobbying group to combat the N.C.A.A. in Congress. And while the N.C.A.A. is waiting on someone else to fix the problem, the players are merely pawns in a big business that's looking for more help from big government.

Once asked where its bylaws addressed the rights of its athletes, an N.C.A.A. compliance officer at the University of North Carolina [could reply](#) only, "That's a good question."

While the N.C.A.A. stalls and the players wait, we cannot lose sight of the real problem: The N.C.A.A.'s model is so fraught that the Supreme Court ruled against it in a 9-0 decision — so it's the rare thing that Brett Kavanaugh, Neil Gorsuch and Sonia Sotomayor all find noxious.

N.I.L. reform is a start. But even though the N.C.A.A. has lost that fight in the courts, the players remain outgunned. The N.C.A.A. is still legalized exploitation.

And that won't change because a few athletes get to do a couple of commercials.

Congress of the United States

Washington, DC 20515

March 29, 2023

Dear Chairman Bilirakis, Ranking Member Schakowsky, and Members of the Subcommittee,

As members of Congress and former college athletes, we write to first and foremost thank the House Energy and Commerce Subcommittee on Innovation, Data, and Commerce for choosing to hold this important hearing on Collegiate Athlete Name, Image, and Likeness (NIL). We especially appreciate the opportunity to follow up on a productive hearing and conversation on this topic from the last Congress. We hope this represents a first step in taking action at the federal level to protect our nation's student athletes and ensure they have the freedom to utilize their name, image and likeness, just like any other citizen.

We can personally attest that for too long student athletes have dedicated substantial time and energy contributing to athletic programs, yet still struggled affording basic necessities. All the while, these individuals have been denied the ability to exercise the same rights as every other American to profit from the use of the things most closely associated with who we are -- our names and images. Today's student athletes will now be afforded freedom and financial opportunity that so many others have been denied. This is a critical step in the fight to protect student athletes, and we hope to see this momentum carried forward.

Over the last several years, we have seen numerous state laws enacted to extend NIL rights to athletes across the country. This has been a long-fought battle to correct an egregious injustice, but the work is not done. As state laws come into effect, we've found ourselves at a point where some student athletes are able to access their rights, and the protections that come along with ensuring those rights, while others in states without NIL laws do not have those protections explicitly codified in law.

This makes it clear that the larger conversation about creating a federal standard for NIL, one that provides clarity and certainty for our student athletes and institutions alike, is not over.

These state laws have led to a patchwork of laws that has the potential to create a climate of confusing or contradictory policies. Already, we have heard from institutions in our states, including from Baylor University, whose president has previously offered her testimony to this subcommittee, that they are looking for clear guidance in order to best serve their student athletes. The only way to ensure this is through a federal standard. We know that various degrees of protection that already exist among the different state laws could potentially lead to student athletes not being fully able to capitalize on their NIL rights. Furthermore, rights that are not codified in law are likely to be protected inconsistently when they are protected at all.

While we might debate the pros and cons of various proposals, or even suggest new ones, the continued lack of a federal NIL bill means there is still no such federal protection at all. We welcome a continued conversation on the path forward, but a lack of any approach at all is the worst-case scenario for our ultimate shared goal of protecting both student athletes and institutions of higher education.

We recognize that there are many paths forward towards a shared goal of offering certainty and protection to our student athletes. We also recognize that there are other reforms for college athletics that Members of Congress would like to see addressed, just as we would. However, we believe, as we did two years ago, that there is widespread, bipartisan recognition of the need to pass a federal NIL standard. Failure to do so soon will only ensure we continue to operate under the current patchwork of state laws and institutional regulations, and do a disservice to student athletes by creating differing standards in different states. This only serves to make it all the more difficult for student athletes and schools to adapt when a federal approach finally does come about, as we believe it eventually will and must.

Even after Congress passes meaningful NIL legislation, we look forward to the opportunity to continue deliberating and debating with our colleagues on both sides of the aisle as to what other reforms are needed to protect student athletes.

As we recognized two years ago, this is one of very few issues facing us today where all sides recognize the need for federal intervention, and we hope that this hearing today is a step towards recognizing the time is now to pass a federal NIL standard. We look forward to working with this Subcommittee and the larger Committee, as well as our colleagues in the general Chamber, to ensure we do right by our student athletes.

We want to thank Chairman Bilirakis, Ranking Member Schakowsky, Chairwoman McMorris-Rodgers, and Ranking Member Pallone again for prioritizing a continued conversation around ensuring NIL rights for our student athletes. We would like to thank the witnesses on this panel for offering their time, experience, and expertise. We look forward to continuing the conversations and taking action to finally offer student athletes the right to capitalize on their talents and abilities, as all other Americans have the right to do.

Sincerely,



Rep. Colin Allred
Member of Congress



Rep. Emanuel Cleaver, II
Member of Congress



Rep. August Pfluger
Member of Congress

The New York Times | [https://www.nytimes.com/2021/07/01/sports/college/college-sports-ncaa.html](#)

GUEST ESSAY

At Notre Dame, We Believe ‘Student’ Should Come First in ‘Student-Athlete’

July 1, 2021 5 MIN READ

By John J. Jenkins
Father Jenkins is the president of the University of Notre Dame.

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We college presidents have learned to tread lightly when it comes to the passions of alumni and other fans for our athletic teams, whether it is one competing for a national championship or a less heralded group playing a rivalry game.

Recently, though, we have seen passions aroused in other quarters, as state legislatures have passed bills enabling our student-athletes to profit from the use of their name, image and likeness (often referred to as “N.I.L.”). Now, the N.C.A.A. has approved a historic change to allow student-athletes to be compensated for use of their N.I.L., with schools and conferences allowed to adopt their own additional policies. The Supreme Court recently issued a ruling against N.C.A.A. regulations limiting education-related funds a school can provide to its student-athletes. Such developments will undoubtedly, in the short term at least, create disruption and uncertainty for college sports.

Rather than treading lightly around this situation, we should seize the opportunity for reform and improvement. As we consider the shape of such reform, I propose the following as a guiding principle: Any changes adopted should support and strengthen the educational purpose central to our institutions, and enhance the educational outcomes for our student-athletes.

In an interview with The Times six years ago, I expressed support for relaxing prohibitions against student-athletes profiting from use of their own names, images and likenesses for one simple reason — other students are allowed to do so. For example, a student writing a popular fashion blog may earn money by endorsing a product, or another in a rock band may try to profit from a poster with his or her image. We should allow our student-athletes similar opportunities. Certainly, there is potential for abuse here. Institutions or their boosters may offer what are actually recruiting or other enticements under the guise of payments for the use of N.I.L. We must fashion regulations to prevent such abuses, while still allowing student-athletes to earn fair market value for the use of their N.I.L. I believe that regulations currently under consideration by the Senate Committee on Commerce, Science and Transportation are on the right track.

There are other steps the N.C.A.A. and its member institutions should take to enhance the educational experience for and well-being of our students who play on athletic teams.

A disturbing disparity exists in the graduation rates from sport to sport, and too often the sports with lower graduation rates are those, such as football and basketball, with a high number of Black student-athletes. The most regrettable exploitation occurs when a student plays her or his sport for the full extent of eligibility and then leaves the institution without a college degree. We must take all reasonable steps to ensure that student-athletes, at the end of their college career, leave with a degree.

To that end I believe — and our practices at Notre Dame reflect this — that once a scholarship is granted, it should stay with the student through graduation, regardless of injuries or performance on the field. Furthermore, if grant-in-aid student-athletes in good standing interrupt their education to go professional or for other reasons, we will cover their tuition at any time should they return to college to complete their degrees. Such guarantee of educational benefits should be standard at all of the N.C.A.A.’s colleges and universities. Doing so would keep the education of our student-athletes front and center.

Additionally, a national policy should be established to limit the number of days during any academic term in which an institution may require its students to be away from campus for athletic purposes. This is necessary because there are schools where classes are made available online for student-athletes, or class schedules are arranged so that a student-athlete attends classes, for example, only two days a week. In-person engagement with faculty members and fellow students on a regular basis is an essential part of the college experience. Competition schedules and off-campus practice trips that make students miss much of the academic term cheat those young people of a genuine college experience.

For similar reasons, universities should be prohibited from concentrating student-athletes in so-called athletic dorms (which the N.C.A.A. banned in the 1990s but still endure in various forms at some schools) and instead include them in the general student housing population. If students' interactions and relationships are predominantly defined by their athletic programs, they are not receiving the educational experience they deserve.

For the well-being of our student-athletes, health care coverage for athletic injuries should be extended. Currently, the N.C.A.A. requires universities to extend health care coverage for any injuries to student-athletes for two years after they exhaust their eligibility. At Notre Dame, we provide coverage for 10 years after the injuries occur. We should extend the provision of coverage for athletic injuries to student-athletes across the nation, and find ways for schools with more limited resources to cover these added costs.

Some have called for compensating student-athletes for their athletic performance in college — sometimes called the “pay-for-play” model. I oppose this course. If we take it, our relationship to these young people will be that of an employer to an employee paid for services rendered, rather than to a student for whose education we, the institution, are responsible. There can be no doubt that our student-athletes — whether the star quarterback on our football team or the backup goalie on our women's soccer team — receive something extremely valuable. They have their tuition, room and board underwritten, giving them the chance to earn a bachelor's degree, which economists estimate is worth about \$1 million in average earnings over the course of a lifetime. More than that, they can enjoy the many ways in which education can enhance one's life that are not measured by greater earning power.

Of course, talented athletes who want to play professionally should not be forced to go to college to develop their talents in their sport. Every professional sport should create a minor or development league open to athletes with high potential. Professional baseball, hockey, basketball and many Olympic sports have systems in place that allow athletes to become professional while forgoing the opportunity to participate in intercollegiate athletics. Perhaps it is time for football to develop one as well. Young athletes would then have a choice: They could either sign up with a development league, or they could attend college and pursue a degree, while playing the sport they love.

Cynicism about college athletics is abundant and perhaps understandable, because some of its practices have given observers good reasons to be cynical. Still, I have spoken to many alumni who say the challenge of competing in their sport at a high level while attending college taught them invaluable lessons for their personal and professional lives. There is still reason to pursue that ideal of college sports, without making them into a semi-pro league.

Let's seize the opportunity for reform, while focusing on the work that is at the heart of our mission: the education of young people.

John I. Jenkins is the president of the University of Notre Dame.

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Today's Scholar-Athletes ~ Tomorrow's Leaders

April 30, 2023

Jessica Herron
Legislative Clerk
Subcommittee on Innovation, Data, and Commerce
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

Re: Jennifer Heppel's Responses to Additional Questions for the Record

Dear Ms. Herron:

I want to thank the Subcommittee for inviting me to appear before it on March 29, 2023 to testify at the hearing entitled "Taking The Buzzer Beater To The Bank: Protecting College Athletes' NIL Dealmaking Rights."

Pursuant to the Rules of the Committee on Energy and Commerce, I am attaching my answers to additional questions for the record, in the required format.

Thank you again for your help, and please let me know if you have any questions.

Sincerely,

Jennifer Heppel
Commissioner
Patriot League

Ms. Jennifer Heppel

Attachment - Additional Questions for the Record

The Honorable Debbie Lesko

ESPN has given trans-identifying, male swimmer Lia Thomas recognition for Women's History Month. I am concerned that this foreshadows how NIL could be used to undermine female athletes in contracts. Not only is it fundamental discrimination against women athletes to force them to compete against men in their own sport, but it has a direct impact on parity in representation of female athletes for NIL deals. Partnership with Thomas, for instance, could be recognized as a contract with a female athlete.

1. **Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?**

I support the right of all athletes to participate in athletics competition. Everyone, including transgender athletes, deserves an equal opportunity to participate. As our national governing association, I consider the NCAA to be best positioned to develop sport-specific participation policies that assure opportunity and take into account up-to-date medical and legal knowledge to ensure that athletic competition is fair, equitable and respectful.

2. **Do you believe that NIL contracts going to biological male athletes identifying as women should be categorized as NIL contracts in women's sports? Why or why not?**

A transgender student-athlete is a member of the team on which they have been determined eligible to participate. NIL transactions by eligible members of a women's team would be considered NIL transactions earned by women.

The Honorable Kelly Armstrong

1. **Ms. Heppel, with your experience with smaller schools in the Patriot League, do you have concerns that a federal NIL regime would create regulatory costs that burden smaller schools, or potentially deny student-athletes NIL opportunities?**

I do not. In fact, I believe the opposite to be the case. Specifically, a federal structure will be less burdensome than the current environment in which our institutions are attempting to educate, monitor and adhere to over thirty (30) disparate NIL state laws.

There are Patriot League student-athletes from all fifty (50) states living on campuses that may or may not be located in their official state of residence. Quite honestly, there often is confusion about which state law applies to an NIL transaction. Given the chaos, institutions are at risk of not effectively educating, assisting or protecting student-athletes. It is the current environment that is a burden, it is untenable, and it is not serving the best interests of our student-athletes, coaches, administrators or institutions.

A federal law that preempts state law in the NIL area will result in a better environment for all. It will foster informed decision-making and bring integrity to the current system. A system

Ms. Jennifer Heppel

that is understood, transparent and trusted will result in more student-athletes engaging in NIL activities and will benefit institutions.

2. What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of an NIL deal?

Recent changes to NCAA transfer rules that allow all student-athletes in all sports the ability to transfer one time and be immediately eligible, assuming the student-athlete also has met academic eligibility requirements, were very important changes for Div. I to make. The transfer portal – a software platform – serves as the vehicle which provides transparency for institutions around student-athlete decisions in the transfer space. It provides a level playing field for access to information for institutions, as well as a means by which a student-athlete is able to communicate their desire to be recruited as a transfer.

The concern that must be addressed is the promise of pay via NIL to induce a student-athlete to transfer to a specific institution. Pay-for-play and recruiting inducements disguised as NIL are illegal. Unfortunately, this is our current environment and, quite simply, it lacks integrity.

A federal law around NIL that preempts state NIL laws and requires disclosure of transactions will create transparency, an informed understanding of the marketplace, and accountability for all involved in the system. It will create a better environment for those involved in the NIL space, and it will foster informed decision-making by student-athletes. This will greatly assist in curtailing illegal pay-for-play and recruiting inducements for all student-athletes, including those in the transfer portal.

The Honorable Larry Bucshon

1. I believe that some kind of transparency and reporting on offered NIL deals is a good idea, but don't yet have a good idea about how that should take effect. In your opinion, who should be responsible for collecting and distributing such information? What kinds of information on offers and deals should be disclosed?

I believe the use of a third-party administrator is appropriate to manage a required disclosure process. There are many companies capable of developing a web-based platform, a platform that also could provide financial educational features. Prospective and current student-athletes should be required to disclose all NIL activities, including terms and conditions, compensation arrangements/transactions values and the involved individuals or businesses. The platform could serve as the certification and registration platform for agents involved in NIL activities. Further, it could house important financial literacy educational opportunities for student-athletes and their families.

The federal law must compel the disclosure of NIL activities, and it must preempt state laws. The third-party administrator would not be a regulatory entity, but would serve to bring transparency to NIL activities, which will help student-athletes make informed decisions.

Ms. Jennifer Heppel

The Honorable Russ Fulcher

1. **There was witness testimony that discussed the fact that “most of the student athletes in your conference are first-generation college students.” Can you talk about the importance of education and the mission of HBCU’s, especially as it relates to protecting these student athletes from agents who don’t have the best interest of the athlete in mind? *(Please Note: I am asking this question of each witness.)***

Student-athletes deserve a NIL structure that serves their best interests and creates an environment within which they can thrive. The current framework of over thirty (30) disparate state laws does not encourage opportunity or support informed decision making. As such, student-athletes are placed at risk.

A federal NIL law should address three key areas: 1) require disclosure of transactions, 2) require financial literacy education for student-athletes and their families, and 3) implement a certification and registration requirement for agents involved with NIL. Requiring disclosure creates transparency which, when coupled with education, will lead to informed decision making. Requiring certification and registration for involved agents promotes accountability among those in advisory roles surrounding NIL activity. Together, the three parts will bring integrity to the process and enhance opportunity and access.

Financial education is important for advancing the success of first-generation students, and as HBCUs disproportionately enroll first-generation students (*see “About HBCUs”, [Thurgood Marshall College Fund](#)*), this component of a federal NIL strategy could be particularly impactful for HBCU student-athletes.

2. **Can you talk about how the lack of a national standard, which makes it more difficult for athletes to assess or bargain for their true value, and can lead to being exploited? How would a national standard for NIL empower and protect student athletes? I am thinking of the “pros” and “cons” for a national standard, including things we should consider?**

In the current environment, in which no national standard exists, our institutions are attempting to educate, monitor and adhere to over thirty (30) disparate NIL state laws. Further, as there is no required disclosure surrounding NIL transactions, there is no valid information about the marketplace. We are not providing our student-athletes with a framework under which they are able to make informed decisions. This places them at risk.

A federal law that preempts state NIL law will result in a better environment for all. It will foster informed decision making and bring integrity to the current system. A system that is understood, transparent and trusted will result in more student-athletes engaging in NIL activities, thereby increasing opportunity.

3. **Can you expound upon the student athlete’s use of their NIL for their own self-promotion versus the school’s use of their NIL, and what kinds of clarifying rules**

Ms. Jennifer Heppel

should be in place? Does this play into concerns over student athletes becoming too much self-promotion entities versus the ideal of a sports scholarship?

NIL can represent important opportunities for student-athletes wishing to engage. Schools have a role to play in education and support of student-athletes in NIL activities, but should not secure NIL opportunities or negotiate NIL opportunities for student-athletes. Likewise, student-athletes should not be engaged in their own NIL activities while representing the institution in competition, or activities directly related to competition (e.g., news conferences, awards ceremonies, pre- and post-game activities).

Given many NIL endeavors provide important educational, professional networking, career development, and service dimensions, I believe there is a natural fit within the mission of higher education.

- 4. Can you provide some insight on guardrails when it comes to student athletes as “employees?” I have concerns over a range of issues that could affect both the student athlete, as well as employees of the institution.**

The Patriot League does not support any outcomes that may result in our student-athletes being defined as employees. The idea that a student, who is fully participating in the academic and co-curricular opportunities available on our campuses, would be considered an employee of that institution as a result of such engagement, is incongruent with the mission and values of the Patriot League. Our institutions recognize the important role athletics participation plays in a student-athlete’s development and growth. Our coaches and administrators are respected as educators and are committed to the quality of the student-athlete experience. Athletics is an important component of the educational experience for which student-athletes choose to attend our institutions. Student-athletes are not employees as a result of their participation in athletics in the Patriot League.



Dear Congresswoman Cathy McMorris Rodgers,

Please see my responses below to the follow-up questions from our recent hearing on Name, Image and Likeness.

The Honorable Debbie Lesko

ESPN has given trans-identifying, male swimmer Lia Thomas recognition for Women's History Month. I am concerned that this foreshadows how NIL could be used to undermine female athletes in contracts. Not only is its fundamental discrimination against women athletes to force them to compete against men in their own sport, but it has a direct impact on parity in representation of female athletes for NIL deals. Partnership with Thomas, for instance, could be recognized as a contract with a female athlete.

1. Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?

I believe that transgendered athletes should engage in and enjoy college athletics. I also believe that the continued conversation on the best way for transgendered to be involved in college athletics should involve members of the transgendered community.

2. Do you believe that NIL contracts going to biological male athletes identifying as women

should be categorized as NIL contracts in women's sports? Why or why not?

I am not sure that I understand the question. If it becomes important to categorize NIL contracts based on race, gender, age or any other demographic to highlight any unfairness or discrimination, I would support an appropriate designation for transgendered athletes.

The Honorable Kelly Armstrong

1. Mr. Abdullah, your testimony states, "Although individual states have opened doors for these athletes to explore the market, the laws need to be consistent with uniform guidelines to regulate, enforce, and support the interest of the student-athletes."

a) Have you noticed any Virginia NIL laws that have given your school's student- athletes an advantage or disadvantage compared to other schools competing in the same conference but from another state?

I have not noticed any difference.



2. What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of a NIL deal?

As NIL is now an important part of college athletics and the transfer portal, it may be best to embrace the transfer portals role in NIL. It may be a way to facilitate transparency in NIL.

The Honorable Russ Fulcher

1. In your testimony you talk about the fact that most of the student athletes in your conference are first-generation college students. Can you talk about the importance of education and the mission of HBCU's, especially as it relates to protecting these student athletes from agents who don't have the best interest of the athlete in mind?

I believe that HBCUs are national treasures that have consistently given young men and women access to the middle class through the economic mobility that higher education provides. It is important that we provide a quality education, particularly on financial literacy, to protect athletes at HBCUs and all other institutions. We have to make sure that athletes are not taken advantage of by predatory individuals or businesses.

2. Can you talk about how the lack of a national standard, which makes it more difficult for athletes to assess or bargain for their true value, and can lead to being exploited? How would

a national standard for NIL empowers and protect student athletes? I am thinking of the "pros" and "cons" for a national standard, including things we should consider?

If athletes are unaware of how current or previous athletes have been compensated for similar services, it makes it more difficult for them to assess their value. A national standard that encourages transparency would help athletes' level the playing field.

Sincerely,

Makola Abdullah, Ph.D.
President

Mr. Trey Burton

The Honorable Debbie Lesko:

Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?

I do not believe that a biological male should be able to compete on or vs a woman's sports team at any level. There are multiple reasons why I personally believe this but I also think that science is conclusive on the fact that biological males have different natural physical advantages than females do. Males, on average have more testosterone and have higher ceilings in attribute categories like height, weight, strength and stature than woman do. Even with puberty blockers and other medicines being provided to young men, you can't reverse the physical differences and arguable advantages young men develop. Competition should remain in our natural biological gender categories. I think all of this madness is neither encouraging nor empowering the women who have made the sacrifices to make their respective sports so great, and fought for their own recognitions.

Do you believe that NIL contracts going to biological male athletes identifying as women should be categorized as NIL contracts in women's sports? Why or why not?

No, I believe if you were born with male genitalia that you're a man and should be counted as a male. No male should ever be counted as a woman at any level of sports or society. I think we need to continue to push for woman evolvment and empowerment in their respective sports. I'm extremely encouraged by how far woman's athletics have grown over the last couple of years and look forward to what the future brings in terms of growth and opportunities for women.

The Honorable Greg Pence

How can we incentivize greater transparency and ensure that regulations result in accountability? We know that some collectives like Hoosiers for Good generate great benefits for student athletes. Could forming a collective in a transparent and accountable way be an alternative to unionizing student athletes, like some of your other panelists suggested in the hearing?

Yes, I agree with your assessment on transparent and accountable collectives. I think healthy collectives can be the key link between the universities and the student athlete. As you mentioned, there are a variety of positive collectives that

Mr. Trey Burton

have already been started in multiple states. The biggest concern I have is making sure that collective has the same level playing field and that the collectives are not offering monies to high school and transfer portal recruits in the form of pay for play. I believe it could be easier to monitor and regulate deals that flow through collectives than it would be to track down every student athlete and depend on them for information on each individual deal that they've signed.

The Honorable Kelly Armstrong

What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of an NIL deal?

I think the transfer portal should have restrictions. I believe its intentions are good and well but what it's turned into today is not what it was intended for. For starters, I would limit transfers to make them a one time thing. Sometimes, 16-18 year old high school kids don't make the right decision -I think we can all agree with that. So the one time transfer can help with that problem. I also think a second transfer should be granted if the school you have transferred to head coach gets fired or leaves for a different job. He's why I think that, look at what's happening at Colorado. Dion Sanders just accepted Colorado's offer to become their head football coach. After their spring football game 40+ players have now entered the transfer portal from that team! That's a massive number. What happens is Deon didn't recruit these players and his name is now on the line for the teams performance and/or success. Deon wants his guys in there and it basically forces the previous coaches players down the depth chart or out of the program. That's why I think there should be another opportunity for these athletes to transfer if the head coach leaves. So often these athletes don't receive a fair chance to compete once the coach that recruited them leaves. All of this entering the portal to see what your options are is ridiculous and should never be allowed. If you want to transfer you get one more chance to make the right choice. You're either in or out, there should be no "testing the portal."

May 1, 2023

Jessica Herron

Legislative Clerk

Subcommittee on Innovation, Data, and Commerce

House Committee on Energy and Commerce

2125 Rayburn House Office Building

Washington, DC 20515-6115

Re: Kaley Mudge's Responses to Additional Questions for the Record

Dear Ms. Herron,

I would like to thank the Subcommittee for inviting me to participate in the hearing on March 29, 2023 to testify on the topic of "Taking The Buzzer Beater To The Bank: Protecting College Athletes' NIL Dealmaking Rights." It was such an honor to testify and share my experiences.

Pursuant to the Rules of the Committee on Energy and Commerce, I am attaching my answers to additional questions for the record, in the required format.

Thank you again so much for your help, and please let me know if you have any additional questions.

Sincerely,

Kaley Mudge

Attachment 1—Additional Questions for the RecordThe Honorable Debbie Lesko

ESPN has given trans-identifying, male swimmer Lia Thomas recognition for Women's History Month. I am concerned that this foreshadows how NIL could be used to undermine female athletes in contracts. Not only is it fundamental discrimination against women athletes to force them to compete against men in their own sport, but it has a direct impact on parity in representation of female athletes for NIL deals. Partnership with Thomas, for instance, could be recognized as a contract with a female athlete.

1. Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?

Protecting both women's sports and NIL opportunities are obviously important issues. I don't have a thorough understanding of how these two issues overlap.

2. Do you believe that NIL contracts going to biological male athletes identifying as women should be categorized as NIL contracts in women's sports? Why or why not?

My focus has been to ask Congress to level the playing field between state where laws differ on the use of their name, image, and likeness.

The Honorable Greg Pence

1. Can you share how your interactions with the collective at FSU have gone? Has the FSU collective generated any benefits for you?

I have had very positive interactions with Florida State's collective. They have been instrumental in creating new NIL opportunities for me with local businesses in Tallahassee. I also serve as an ambassador to help further promote our collective. One major benefit that the collective has generated for me is the ability to help me pay for nursing school after my athletic eligibility is finished.

The Honorable Kelly Armstrong

1. What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of an NIL deal?

I think the transfer portal is a great opportunity for athletes to pursue different institutions for various reasons. One major suggestion that I would address would be to somehow prohibit collectives from interacting with transfers. There are a number of student athletes who have been promised thousands of dollars to transfer to a specific school, and I personally think that is not

the intention of college athletics. Athletes should not be coerced to pick a certain university based on money; rather, they should be given the fair opportunity to choose an institution based on where they fit in and where they feel they will be happy.



April 27, 2023

Jessica Herron
Legislative Clerk
Subcommittee on Innovation, Data, and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-61115

RE: Responses to Additional Questions for the Record

Dear Ms. Herron,

Thank you to the Subcommittee on Innovation, Data, and Commerce for inviting me to appear on March 29, 2023, to testify on behalf of Washington State University at the hearing entitled, "Taking The Buzzer Beater To The Bank: Protecting College Athletes' NIL Dealmaking Rights."

At the request of the Subcommittee and pursuant to the Rules of the Committee on Energy and Commerce, I am attaching my response to the Members' additional questions for the record.

Please let me know if Washington State University can continue to assist or answer any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to be "P. Chun", written over a horizontal line.

Patrick Chun
Athletics Director
Washington State University

Enclosure: Attachment 1

Attachment 1—Additional Questions for the RecordThe Honorable Debbie Lesko

ESPN has given trans-identifying, male swimmer Lia Thomas recognition for Women's History Month. I am concerned that this foreshadows how NIL could be used to undermine female athletes in contracts. Not only is it fundamental discrimination against women athletes to force them to compete against men in their own sport, but it has a direct impact on parity in representation of female athletes for NIL deals. Partnership with Thomas, for instance, could be recognized as a contract with a female athlete.

Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?

As a member of the NCAA, Washington State University adheres to the national policy regarding transgender student-athlete participation. Currently, that policy aligns with United States Olympic & Paralympic Committee (USOPC) and International Olympic Committee (IOC) guidance deferring to each sport's national governing body.

Do you believe that NIL contracts going to biological male athletes identifying as women should be categorized as NIL contracts in women's sports? Why or why not?

To my understanding, there is no current, definitive methodology for calculating college athletics NIL activity.

The Honorable Kelly Armstrong

Mr. Chun, can you please touch on your experience regarding collectives and boosters preferring to send their money to individual athletes rather than the athletic program as a whole?

As you may be aware, the State of Washington currently does not have a state law regarding Name, Image and Likeness. We are, however, guided by state ethics rules and regulations that prohibit Washington State Athletics employees from providing direct support to prospective or current student-athletes and require employees to remain at arms-length from student-athletes NIL activities. But as we all recognize, donors have autonomy over the direction of their giving. Our general concern is the potential use of philanthropic donors being used for nefarious purposes within college athletics. Our institution does not bemoan the ability of student-athletes to be compensated for their true Name, Image, and Likeness value but we are concerned that our student-athletes find themselves grappling with the opaque nature of "collective NIL" in which roster management is conducted by unregulated third parties.

- a) **If federal legislation allows for collectives, what provisions would you suggest to govern the collectives?**
- b) Mandatory disclosures, including compensation, duration and services rendered

- c) Agent commission
- d) Clarity on application of Title IX
- e) Registration requirements

What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of an NIL deal?

As suggested in the question, the traditional nature of the transfer portal and freedom for a student-athlete to choose their academic journey, generally, is not inherently negative. Student-athletes should be provided with the opportunity to find an institution best-suited to their academic and athletic goals. The issues arise when student-athletes are induced to transfer to institutions by lucrative NIL deals that are offered well before a student-athlete elects to enter the transfer portal. While this is a delicate area for regulation, one potential solution would be to increase the regulations around third-party involvement, specifically collectives. Through either an expansion of the Revised Uniform Athlete Agent Act (RUAAA) or the enactment of similar legislation, Congress could require collectives to register with a designated third-party administrator, states, and/or NCAA member institutions. This speaks to the need for a national standard to preempt the disparate state laws.

The Honorable Larry Bucshon

I believe that some kind of transparency and reporting on offered NIL deals is a good idea, but don't yet have a good idea about how that should take effect. In your opinion, who should be responsible for collecting and distributing such information? What kinds of information on offers and deals should be disclosed?

We recommend a third-party administrator be responsible for information and data collection surrounding NIL activities. Disclosures should be a legislatively mandated mechanism by which each business and student-athlete who engage in NIL agreements are jointly required to disclose (a) agreed upon compensation, (b) the initial/offer date of the agreement, (c) the duration of the agreement (d) services rendered, (e) agent commission

The Honorable Kathy Castor

Mr. Chun, please explain how schools, the NCAA, and Congress can ensure that female athletes are benefitting from their name, image, and likeness as much as their male counterparts?

There needs to be clarity on university responsibility for Title IX gender equity compliance when working with collectives and/or third parties.

The Honorable Russ Fulcher

There was witness testimony that discussed the fact that “most of the student athletes in your conference are first-generation college students.” Can you talk about the importance of education and the mission of HBCU's, especially as it relates to protecting these student

athletes from agents who don't have the best interest of the athlete in mind? (Please Note: I am asking this question of each witness.)

It has been well-documented that HBCU's have played a critical role in providing access to higher education for under-represented populations, and their impact has been immeasurable. The primary mission of every institution of higher education is to provide an academic foundation upon which each student can build a future. This mission is common across every NCAA division, conference, and institution.

As it relates to the perils of bad actors in the NIL environment, there are real and actual threats to the collective mission. By promising imagined or exaggerated commercial opportunities for student-athletes, the focus on the long-term impact of a four-year degree becomes clouded by the hope of an unrealistic payday. While many agents provide sound guidance and representation, there are those that seek to manipulate student-athletes for personal gain. While no institution is seeking to limit the earning power of their student-athletes, all institutions recognize the primacy of academics.

At Washington State, our student body is made up of 33.6 percent first generation students and 33.1 percent of them are students of color. While there are not HBCU's located in the Pacific Northwest, WSU is focused on providing accessible and affordable education to our students.

Can you talk about how the lack of a national standard, which makes it more difficult for athletes to assess or bargain for their true value, and can lead to being exploited? How would a national standard for NIL empower and protect student athletes? I am thinking of the "pros" and "cons" for a national standard, including things we should consider?

A national standard would create the transparency and consistency necessary for all student-athletes to maximize the opportunities of utilizing their Name, Image and Likeness. Through the knowledge of what similarly situated student-athletes are receiving, they can better assess their status and earning power. While there are aspects of NIL-centric markets that can be objectively quantified (e.g., earnings based on social media following), there are many variables inherent in collegiate athletics for which transparency is the only solution. Further, with 363 NCAA Division I institutions located across the country, student-athletes must have the ability to fully understand the laws (or lack thereof) of each state and decipher their applicability. Oklahoma recently adopted a state law that specifically rebukes the enforceability of the NCAA regarding NIL violations. These conflicts create uncertainty in our environment and emphasize the need for a consistent and fair national standard. Congress must enact federal legislation. The clarity would allow all student-athletes to move forward with confidence in the NIL parameters and with a full understanding of the marketplace.



May 1, 2023

Jessica Herron
Legislative Clerk
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Re: Jason Stahl's Responses to Additional Questions for the Record

Dear Ms. Herron:

Thank you again for the invitation to appear before the March 29, 2023 Subcommittee on Innovation, Data and Commerce hearing "Taking the Buzzer Beater to the Bank." I very much appreciated the opportunity and your helpfulness throughout the process.

Attached you will find my answers to additional questions for the record.

Sincerely,

A handwritten signature in black ink, appearing to read "J Stahl", is positioned below the word "Sincerely,".

Jason Stahl
Founder and Executive Director
College Football Players Association

Attachment 1 – Additional Questions for the Record**The Honorable Debbie Lesko****1) Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?**

In the hearing on March 29, 2023, I always made sure that I was speaking on behalf of our membership, our Leadership Committee and our platform at the College Football Players Association. As the founder and Executive Director of a membership-driven labor organization, I believe this is what is appropriate. Too often, leadership of labor organizations in the United States—in the past and in the present—have taken political positions at odds with their membership. I do not intend to follow this pattern.

So, in response to this question, I will say that, while I have my personal opinions on this matter, on all such political questions I need to defer to our membership and Leadership Committee and their will. Right now, this issue simply has not been discussed as it is not in any way central to the lives of past, present and future college football players. As you know, football is a male-dominated sport, but should any female athletes want to play football, we believe they should be able to.

2) Do you believe that NIL contracts going to biological male athletes identifying as women should be categorized as NIL contracts in women's sports? Why or why not?

Whether such a contract is categorized as a “male” or “female” contract simply does not matter. However, I think the framing of this matter reflects a misunderstanding of the issue of Name, Image and Likeness rights which was too often forwarded at the hearing on March 29.

The Name, Image and Likeness marketplace for college athletics is a private marketplace that exists outside of the schools themselves. Such a private marketplace exists for any American in multiple fields should they wish to monetize their name, image and likeness. For instance, actors and actresses regularly sign promotional deals where they monetize their name, image and likeness. College athletes only recently gained access to this private marketplace because for years the NCAA fought against them having this basic right enjoyed by all other Americans.

So, whether a particular private name, image and likeness deal is categorized as “male” or “female” simply does not matter.

The Honorable Kelly Armstrong**1) What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of an NIL deal?**

At the College Football Players Association, we believe that college football players being able to transfer schools like any other student is a good thing. For too long, players had enormous restrictions put on their ability to transfer away from a school and/or football program that was not working for their academic or athletic plans in life. So, the fact that they can much more easily transfer now is a good thing.

There are multiple reasons a player might transfer and, having spoken with many, many players who have gone through the transfer process, it is very rarely for the promise of an NIL deal. Most often, it is to increase their playing time; because they have friction with their current coach; personal reasons; or to embark upon a new degree after they've received a degree.

However, if the stakeholders in college athletics wish to decrease the number of athletes transferring for an NIL deal, the best way to do so would be to bargain with the players through their independent players associations. Such bargaining could produce new rules around transferring in exchange for new protections for players and new ways to compensate players outside of the private NIL marketplace. Such bargaining would greatly decrease the importance of private NIL deals generally and thus make it less likely that a player would transfer for such a reason.