

MOVING THE GOALPOSTS: HOW NIL IS RESHAPING COLLEGE ATHLETICS

HEARING
BEFORE THE
SUBCOMMITTEE ON COMMERCE, MANUFACTURING,
AND TRADE
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MOVING THE GOALPOSTS: HOW NIL IS RESHAPING COLLEGE ATHLETICS

TUESDAY, MARCH 4, 2025

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND
TRADE,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:18 a.m., in the John D. Dingell Room 2123, Rayburn House Office Building, Hon. Gus Bilirakis (chairman of the subcommittee) presiding.

Members present: Representatives Bilirakis, Fulcher, Harshbarger, Obernolte, Bentz, Houchin, Fry, Lee, Kean, Evans, Goldman, Guthrie (ex officio), Schakowsky (subcommittee ranking member), Castor, Soto, Trahan, Clarke, Dingell, Veasey, Kelly, Schrier, and Pallone (ex officio).

Also present: Representatives Carter of Georgia, Joyce, and Pfluger.

Staff present: Ansley Boylan, Director of Operations; Jessica Donlon, General Counsel; Kristin Fritsch, Professional Staff Member, Health; Sydney Greene, Director of Finance and Logistics; Natalie Hellman, Professional Staff Member, Commerce, Manufacturing, and Trade; Megan Jackson, Staff Director; Daniel Kelly, Press Secretary; Sophie Khanahmadi, Deputy Staff Director; Alex Khlopin, Clerk, Commerce, Manufacturing, and Trade; Joel Miller, Chief Counsel; Brannon Rains, Professional Staff Member, Commerce, Manufacturing, and Trade; Evangelos Razis, Professional Staff Member, Commerce, Manufacturing, and Trade; Chris Sarley, Member Services/Stakeholder Director; Emma Schultheis, Clerk, Health; Kaley Stidham, Press Assistant; Matt VanHyfte, Communications Director; Hannah Anton, Minority Policy Analyst; Shana Beavin, Minority Professional Staff Member; Keegan Cardman, Minority Staff Assistant; Waverly Gordon, Minority Deputy Staff Director and General Counsel; Tiffany Guarascio, Minority Staff Director; Lisa Hone, Minority Chief Counsel, Commerce, Manufacturing, and Trade; Mackenzie Kuhl, Minority Digital Manager; Phoebe Rouge, Minority FTC Detailee; and Hannah Treger, Minority Intern.

Mr. BILIRAKIS. The committee will come to order. The chairman recognizes himself for a 5-minute opening statement.

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

Good morning, everyone, and thank you to our witnesses for being here. We really do appreciate it very much.

I am really excited to hold this hearing today on the evolving landscape of name, image, and likeness, commonly known as NIL, and its impact on college athletics.

In just a few years, college athletics has fundamentally reshaped the lives of student-athletes who can now benefit from their NIL.

Before 2021, athletes were barred from profiting off of their own NIL, but in response to legal challenges and a Supreme Court decision, the NCAA ended those restrictions, finally giving our student-athletes their much-deserved ability to earn compensation for their brand and their God-given talent.

However, the absence of a preemptive uniform standard has led to the Wild West—most would agree with that—a Wild West environment where, sadly, our student-athletes are put in vulnerable positions where they can easily be exploited by those who do not have their best interests in mind.

I have heard awful stories of student-athletes signing deals without having been given full explanations for how their deal would impact their long-term finances and livelihood.

This lack of structure has also allowed NIL collectives, who are often affiliated with universities but operating independently, to turn NIL into a pay-for-play system. Instead of being used for legitimate business purposes, NIL deals are frequently given out as recruiting inducements with little transparency or oversight. We have to fix that, folks.

I am also concerned about the transfer portal. All of us want to make sure student-athletes have the freedom to make the best collegiate and educational decisions—after all, that is why we go to college, to get a good education—but educational decisions for themselves and for their future.

But this current system is not workable, as athletes are entering the portal at an unprecedented rate, sometimes multiple times in their careers, with a hope, but not a guarantee, for something better.

I am sure we have all heard the stories of student-athletes being encouraged to transfer schools based on promises of NIL money that never materializes. Others transfer expecting better playing time only to find themselves in a worse situation.

This revolving-door system has created instability for both athletes and the programs they leave behind, with many student-athletes ending up without a clear academic or athletic path.

We often focus on NIL and the business side of college athletics, but we must remember that these are still student-athletes, young men and women who are supposed to be receiving an education that prepares them for a life beyond sports.

Yet too many are making life-altering financial and academic decisions without the proper guidance. Some are signing NIL deals without understanding tax and legal implications.

And you can't blame them. Most of these—while they are 18-year-olds in some cases, but some are even younger, so they are going to need some guidance, folks.

Others are transferring from school to school without receiving the academic support they need to graduate.

If we are serious about protecting student-athletes—and I hope we are—we need to ensure that they have the resources and education necessary to navigate this new era successfully. That is why I am so glad to have Emily and Anthony with us here today.

Thank you for sharing your stories as student-athletes and how you were able to traverse this complex environment. We really appreciate it. It gives all student-athletes the chance to learn and better themselves.

That brings me to a point I really want to drive home. We are working on this issue not to put one school over another—although I am a Florida Gator, and I would like to see another national championship sometime soon—but again, not one school over another. We have got to protect the small schools as well. We have Division I, but we have to look out for the medium-size and small schools as well.

So, no, we are doing this for the student-athletes, and that is what we are doing it for. We must protect these student-athletes, folks. We have a responsibility to do so. Unfortunately, they haven't been protected in the past, so Congress has to intervene with preemption, in my opinion.

So I will say it again: We are doing this for the student-athletes, for the young men and women who advance to college, so they can continue playing the sport they love and use that experience to help them succeed throughout their lives. It could be a wonderful experience.

So it is crucial we establish a preemptive standard, as I said, that protects student-athletes but also doesn't endanger the many sports programs that we don't see on ESPN or that bring in millions of dollars.

I know I am over, aren't I? Yes. Well, let me just finish here. And I will give you the opportunity, Ranking Member, to go over if you would like.

Again, folks, we must protect the student-athletes and we must protect the Olympic sports and the nonrevenue sports as well.

So this is too important of an issue to get wrong. I think you know that. So I look forward to a thoughtful discussion and working towards solutions that support both student-athletes and the long-term future of college sports.

[The prepared statement of Mr. Bilirakis follows:]

Statement of Chairman Gus Bilirakis
CMT Subcommittee Hearing Titled “Moving the Goalposts: How NIL is Reshaping
College Athletics”
March 4, 2025

Good morning and thank you to our witnesses for being here. I’m really excited to hold this hearing today on the evolving landscape of Name, Image, and Likeness—commonly known as NIL—and its impact on college athletics.

In just a few years, college athletics has fundamentally reshaped the lives of student-athletes who can now benefit from their NIL. Before 2021, athletes were barred from profiting off of their own NIL, but in response to legal challenges and a Supreme Court decision, the NCAA ended those restrictions, finally giving our student-athletes their much-deserved ability to earn compensation for their brand and God given talent.

However, the absence of a preemptive uniform standard has led to a “Wild West” environment where, sadly, our student athletes are put in vulnerable positions where they can easily be exploited by those who do not have their best interests in mind. I’ve heard awful stories of student athletes signing deals without having been given full explanations for how their deal would impact their long-term finances and livelihood.

This lack of structure has also allowed NIL collectives, who are often affiliated with universities but operating independently, to turn NIL into a pay-for-play system. Instead of being used for legitimate business opportunities, NIL deals are frequently given out as recruiting inducements, with little transparency or oversight.

I’m also concerned about the transfer portal. All of us want to make sure student athletes have the freedom to make the best collegiate and educational decisions for themselves and for their future...

But this current system is not workable as athletes are entering the portal at an unprecedented rate, sometimes multiple times in their careers with a hope, but not a guarantee, for something better.

I’m sure we have all heard the stories of student athletes being encouraged to transfer schools based on promises of NIL money that never materializes. Others transfer expecting better playing time, only to find themselves in a worse situation. This revolving-door system has

created instability for both athletes and the programs they leave behind, with many student-athletes ending up without a clear academic or athletic path.

We often focus on NIL and the business side of college athletics, but we must remember that these are still student athletes—young men and women who are supposed to be receiving an education that prepares them for a life beyond sports. Yet, too many are making life-altering financial and academic decisions without the proper guidance.

Some are signing NIL deals without understanding tax and legal implications. Others are transferring from school to school without receiving the academic support they need to graduate.

If we are serious about protecting student-athletes, we need to ensure they have the resources and education necessary to navigate this new era successfully.

That's why I'm so glad to have Emily and Anthony with us today. Thank you for sharing your stories as student athletes and how you were able to traverse this complex environment. It gives all student athletes the chance to learn and better themselves.

That brings me to a point I really want to drive home. We are working on this issue, not to put one school over another, even though, and cover your ears, Coach Beamer, I would love to see my Florida Gators hoist that championship trophy again soon...

No, we are doing this for the student athletes, for the young men and women who advance to college so that they can continue playing the sports they love and use that experience to help them succeed throughout their lives.

So, it is crucial we establish a preemptive standard that protects student-athletes but also doesn't endanger the many sports programs that we don't see on ESPN or that bring in billions of dollars.

This is too important of an issue to get wrong, so I look forward to a thoughtful discussion and working toward solutions that support both student-athletes and the long-term future of college sports.

With that, I yield back.

Mr. BILIRAKIS. With that, I yield back, and I will recognize the ranking member, the ranking member of the subcommittee, my good friend Ms. Schakowsky, for 5 minutes for her opening statement.

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

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

I certainly agree that we want to make sure that the health and safety of our athletes is always protected. That has been my view and action ever since we have been talking about student-athletes. And that is important. And so I want to work with you on that.

But I want to say there is actually a bigger issue right now. We find that there are other items, which include the fact that the Trump administration has cut the research funding for our universities, for our places that have to conduct the things for the athletes.

And that is even more important, because if there is not money for the institutions to have, then there is not going to be able to be student-athletes. And that is why this is not enough. We have to do much more.

And with that, I want to call on Congresswoman Robin Kelly to talk further about this larger problem that we are facing.

[The prepared statement of Ms. Schakowsky follows:]

Committee on Energy and Commerce**Opening Statement as Prepared for Delivery
of****Subcommittee on Commerce, Manufacturing, and Trade Ranking Member Jan
Schakowsky*****Hearing on "Moving the Goalposts: How NIL is Reshaping College Athletics"*****March 4, 2025**

Thank you, Mr. Chairman, and thank you to the witnesses for coming in today. College sports is a multi-billion-dollar business accounting for over \$18 billion in revenue in 2022. But college athletes are seeing only a small fraction of that money which was generated through their hard work. We must protect and support the athletes at the center of the industry. Through their tireless advocacy and activism, college athletes have won the right to be compensated through deals for their name, image, and likeness (NIL).

As college athletes continue to fight for more rights and protections, I support those college athletes and their allies who insist that any discussion of how NIL is reshaping college athletics is misguided if we do not also discuss expanding medical coverage for college athletes, improving health and safety standards, recognizing college athletes' right to labor protections, and strengthening Title IX enforcement.

Rather than centralizing power within the NCAA, the wealthiest athletic conferences, and the universities, any proposal this Subcommittee considers must be built around the needs and rights of athletes. This means prioritizing their health and safety, ensuring fair compensation, and upholding their right to organize. Some states have already taken the lead in establishing strong health and safety provisions for student athletes. Maryland, for example, has mandatory protocols for preventing, assessing, and treating brain injuries and heat-related illnesses - reforms spurred by the tragic death of Jordan McNair, a young football player who lost his life to heatstroke. This type of state legislation should inform and direct this committee as we extend enforceable health and safety standards to protect athletes from similar tragedies nationwide.

However, as our committee discusses the NIL landscape, we cannot ignore the existential financial crisis looming over universities across the country. The National Institutes of Health, or NIH, research cuts to our nation's Universities and Colleges, as proposed by the Trump Administration would not just cripple critical healthcare research but stifle innovation and disrupt our nation's 70 year old University and Federal partnership model for critical research. Recent studies also point out that this is not just an issue for research institutions but has far-reaching effects on local economies and potentially taxpayers as well.

Universities rely on NIH grants to fund faculty, graduate research positions, infrastructure, and core lab operations like hazardous waste removal. If we are serious about the future of college sports, we must also be serious about preserving the financial health of the universities that sustain them. I have always believed that we must protect athletes' health, their right to organize, and their ability to receive fair compensation for their labor, and I will continue

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to fight for those protections while preserving NIL rights for college athletes. But as the very institutions college athletes compete for begin to falter, protecting college athletes now also means reversing these dangerous NIH cuts.

Ms. SCHAKOWSKY. And I yield to Robin Kelly.

Ms. KELLY. Thank you, Chair Bilirakis and Ranking Member Schakowsky, and thanks to all the witnesses for their participation.

One thing I hope we can all agree on is that college athletes deserve a system that protects their well-being and interests.

However, while the rapid evolution of college athletes benefiting from their name, image, and likeness rights may feel chaotic to the NCAA, the conferences, and the universities, it has provided enormous benefits to college athletes.

By contrast, universities are now navigating a truly unpredictable environment when it comes to funding for vital academic and research programs. I am deeply concerned about the potential impact of proposed cuts to funding for the NIH. That is one of the real crises that this committee should be focused on.

Last month, the Trump administration issued an Executive order that would drastically lower the agency's funding for major research institutions across the country. The policy, currently blocked by a Federal court, would limit NIH research funding for indirect costs to 15 percent, which is far below what most universities receive and what they need to support their programs across the entire country, including historically Black colleges, minority-serving institutions, as well as Hispanic-serving institutions, small universities, and large Division I schools.

The misconception that NIH funds only benefit top-tier universities overlooks the critical support these funds provide to a wide range of institutions in both Republican and Democratic districts. For example, HBCUs, MSIs, and HSIs received hundreds of millions of dollars in 2024 to support vital medical research.

These funds are essential for maintaining research buildings and labs, covering administrative costs, purchasing supplies and equipment, and paying support staff.

NIH grants are a lifeline for many universities, ensuring that research and education can thrive in institutions of all sizes and backgrounds. The reduction in NIH funding is a financial earthquake and would directly affect college athletes as well.

Research in sports medicine, head injury prevention, and athletic performance relies on Federal funding, much of which comes from the NIH. If this funding is reduced or eliminated, it will only create more challenges for college athletes and hinder the development of critical programs that protect their health and safety.

Of course, the impact extends far beyond athletic injuries. NIH funding of clinical trials and other medical research is vital in ensuring that all populations are represented in our Nation's biomedical research.

For medical breakthroughs to occur and be truly effective, they must include diverse participants reflecting a range of racial, ethnic, and gender identities. Therefore, the need for inclusive research is not only a matter of fairness but of public health.

We simply cannot afford to have the well-being of our students—whether in the classroom, in a research lab, or on the field—be compromised by unnecessary funding cuts by the Trump administration. We must continue to support our universities, including their research initiatives, to ensure that they remain centers of excellence for all students.

I have an article from The Washington Post that I would ask unanimous consent to enter into the record titled "Hiring freezes, fewer grads: Funding uncertainty hits colleges."

I urge my colleagues to remain mindful of the larger funding issues that could jeopardize the future of both education and research in this country.

[The prepared statement of Ms. Kelly follows:]

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

Subcommittee on Commerce, Manufacturing, and Trade Member Robin Kelly

Hearing on “Moving the Goalposts: How NIL is Reshaping College Athletics”

March 4, 2025

Thank you, Chair Bilirakis and Ranking Member Schakowsky, and thanks to all the witnesses for their participation.

One thing I hope we can all agree on is that college athletes deserve a system that protects their well-being and interests. However, while the rapid evolution of college athletes benefiting from their Name, Image, and Likeness rights may feel chaotic to the NCAA, the conferences, and the universities, it has provided enormous benefits to college athletes. By contrast universities are now navigating a truly unpredictable environment when it comes to funding for vital academic and research programs. I am deeply concerned about the potential impact of proposed cuts to funding for the National Institute of Health (NIH). That’s one of the real crises that this Committee should be focused on. Last month, the Trump Administration issued an executive order that would drastically lower the agency’s funding for major research institutions across the country. The policy, currently blocked by a federal court, would limit NIH research funding for “indirect costs” to 15%, which is far below what most universities receive and what they need to support their programs.

NIH funding is not limited to elite universities like Northwestern University or the University of Chicago; it supports institutions across the entire country, including Historically Black Colleges and Universities (HBCUs), Minority-Serving Institutions (MSIs), Hispanic-Serving Institutions (HSIs), small universities, and large Division 1 schools. The misconception that NIH funds only benefit top-tier universities overlooks the critical support these funds provide to a wide range of institutions in both Republican and Democratic districts. For example, HBCUs, MSIs and HSIs receive hundreds of millions of dollars in 2024 to support vital medical research. These funds are essential for maintaining research buildings and labs, covering administrative costs, purchasing supplies and equipment, and paying support staff. NIH grants are a lifeline for many universities, ensuring that research and education can thrive at institutions of all sizes and backgrounds.

The reduction in NIH funding is a financial earthquake and would directly affect college athletes as well. Research in sports medicine, head injury prevention, and athletic performance relies on federal funding, much of which comes from the NIH. If this funding is reduced or eliminated, it will only create more challenges for college athletes and hinder the development of critical programs that protect their health and safety.

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We simply cannot afford to have the well-being of our students- whether in the classroom, in a research lab, or on the field- be compromised by unnecessary funding cuts by the Trump Administration. We must continue to support our universities, including their research initiatives, to ensure they remain centers of excellence for ALL students.

I have an article from the Washington Post to enter into the record titled - Hiring freezes, fewer grad students: Funding uncertainty hits colleges. I urge my colleagues to remain mindful of the larger funding issues that could jeopardize the future of both education and research in this country.

Thank you.

I yield back.

Ms. KELLY. Thank you, and I yield back to Ranking Member Schakowsky.

Ms. SCHAKOWSKY. I yield back.

Mr. BILIRAKIS. OK. Thank you very much. And I look forward to working on some of these healthcare issues in the healthcare subcommittee and the full committee as well.

Now I recognize Chairman Guthrie for 5 minutes for his opening statement.

OPENING STATEMENT OF HON. BRETT GUTHRIE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF KENTUCKY

Mr. GUTHRIE. Thank you, Mr. Chair. Thanks for yielding. I appreciate it.

It is nice sitting next to my loyal Gamecock here, and he is proud to have his team represented here at this hearing today.

I really appreciate you being here and bringing the opportunity to be here. I know it can be a long trip and can sometimes be intimidating sitting at the witness stand. It means a lot that you are here to represent your sports.

Today, college athletics is a multibillion-dollar industry fueled by the dedication and talent of student-athletes. Some of you here today know how hard you worked to get where you are.

For decades, student-athletes were prohibited from earning money from their own name, image, and likeness, even though sports brought significant revenue to universities, conferences, and the NCAA.

That changed in 2021 as the NCAA, undergoing mounting pressure from State laws, lawsuits, and Supreme Court ruling, lifted its restrictions. As a result, student-athletes could finally profit from their own name, image, and likeness, and rightfully so.

This is a long overdue step finally allowing student-athletes the opportunity to benefit financially from their talent, hard work, and public personas.

But the rapid rollout of NIL has introduced new complexities and challenges. The absence of a uniform national framework has allowed a patchwork of State laws and institutional policies to grow, creating disparities and confusion among student-athletes and universities alike.

So far, 33 States and the District of Columbia have passed NIL laws, oftentimes focusing on creating a competitive advantage for their States and State universities instead of prioritizing good policy.

As this subcommittee knows well, a patchwork of State laws leads to uncertainty, inconsistency, and confusion.

One of the more concerning developments is the rise of what we have now, the pay-for-play system. Third-party groups have blurred and in some cases fully wiped away the lines between legitimate NIL opportunities and outright recruiting inducements.

Without clear rules or transparent practices, some student-athletes are being misled by bad actors and are pressured into signing unfair contracts that may not serve their best interests.

Adding to this transformation, the preliminary NCAA settlement could permanently alter a financial model of college athletics. It fi-

nalized a \$2.8 billion deal in back damages that will be distributed to current and former student-athletes while institutions, beginning in the next school year, will be allowed to share revenue directly with student-athletes, a move that will fundamentally change the way college sports operate.

While the NCAA settlement could bring much-needed structure and stability to the current landscape, it may not be sufficient to address the opportunities and challenges posed by NIL.

As we examine this issue, our goal is to consider the implications of the NCAA settlement, assess the current state of NIL policies, and explore legislative solutions that serve student-athletes, educational institutions, and conferences they compete in.

Like many of you, my family and I have cherished memories of cheering our favorite teams on campus. Go, Hilltoppers! We watch young athletes grow into leaders both on and off the field.

I know my colleagues agree with me that we must preserve the spirit and virtue of collegiate athletics and ensure nonrevenue-generating programs are protected.

I am grateful that our witnesses are willing to be here today—I know you volunteered to be here today—to help us better understand the opportunities and the challenges that NIL presents. I look forward to an informative discussion on how our committee can help shape a sustainable and transparent NIL system.

I appreciate you all being here.

And I will just say I talked with my friend end of last year. The way you guys were playing at the end of the year, if you all had gotten in the playoffs, you might have gone a long way. You really put that team together in an impressive way. And those of us who are from other SEC schools, fans, it is always good to have everybody successful, so along with my good friend here.

[The prepared statement of Mr. Guthrie follows:]

Chairman Guthrie Opening Remarks at CMT Hearing:
“Moving the Goalposts: How NIL is Reshaping College Athletics”

Good morning and thank you to all the witnesses for being here today. I am excited to hear your testimony and learn about your experiences with Name, Image, and Likeness.

Today, college athletics is a multi-billion-dollar industry fueled by the dedication and talent of student-athletes – a few of whom are here with us this morning.

For decades, student-athletes were prohibited from earning money from their own Name, Image, or Likeness, even as some sports brought significant revenue to universities, conferences, and the NCAA.

That changed in 2021. The NCAA, under mounting pressure from state laws, lawsuits, and a Supreme Court ruling, lifted its restrictions. As a result, student-athletes could finally profit from their own Name, Image, and Likeness. And rightfully so. This was a long-overdue step, finally allowing student-athletes the opportunity to benefit financially from their talent, hard work and public personas.

But the rapid rollout and proliferation of NIL has introduced new complexities and challenges. The absence of a uniform national framework has allowed a patchwork of state laws and institutional policies to grow, creating disparities and confusion among student-athletes and universities alike. So far, 33 states and the District of Columbia have passed NIL laws, oftentimes focusing on creating a competitive advantage instead of prioritizing good policy.

As this subcommittee knows well, a patchwork of state laws leads to uncertainty, inconsistency, and confusion.

One of the more concerning developments is the rise of the “pay-for-play” system. Third party groups have blurred, and in some cases fully wiped away, the lines between legitimate NIL opportunities and outright recruiting inducements. Without clear rules or transparent practices, some student-athletes are being misled by bad

actors and are pressured into signing unfair contracts that may not serve their best interests.

Adding to this transformation, the preliminary NCAA settlement could permanently alter the financial model of college athletics. If finalized, \$2.8 billion in back damages would be distributed to current and former student-athletes while institutions, beginning in the next school year, would be allowed to share revenue directly with student-athletes – a move that will fundamentally change the way college sports operate.

While the NCAA settlement could bring much-needed structure and stability to the current landscape, it may not be sufficient to address the opportunities and challenges posed by NIL. As we examine this issue, our goal is to consider the implications of the NCAA settlement, assess the current state of NIL policies, and explore legislative solutions that serve student-athletes, educational institutions, and the conferences they compete in.

Like many of you, my family and I have cherished memories of cheering for our favorite teams (Roll Tide and Go Tops / Go Cats!) on campus, watching young athletes grow into leaders both on and off the field.

I know my colleagues agree with me that we must preserve the spirit and virtue of collegiate athletics and ensure non-revenue generating programs are protected.

I'm grateful to our witnesses for their willingness to help us better understand both the opportunities and challenges NIL presents.

I look forward to an informative discussion on how our Committee can help shape a sustainable and transparent NIL system.

With that, I yield back.

Mr. GUTHRIE. So I will yield back.

Mr. BILIRAKIS. Thank you very much. The chairman yields back.

And now I will recognize the ranking member of the full committee, Mr. Pallone, for his 5 minutes.

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

Mr. PALLONE. Thank you, Mr. Chairman.

Last Congress at two hearings on college athletics we heard widespread agreement from witnesses that finally allowing college athletes to profit from their name, image, and likeness is a good thing and represents a long-overdue change in college sports.

But today if we want to focus on the real crisis impacting our colleges and universities, we should be focusing on the financial disaster that they are facing at the hand of President Trump and his complicit Republican Congress.

Trump has cut funding from the National Institutes of Health to our colleges and universities and froze their ability to access current grant funding and apply for future funding.

Colleges and universities are now scrambling to figure out how they are going to proceed with their research programs, and the cuts threaten their ability to conduct critical clinical trials for cancer, heart disease, children's health, and a lot more.

And this is a major crisis, yet Republicans are ignoring it and would rather talk about college sports. And talk about misplaced priorities.

I would now like to yield 2 minutes each to 2 of our Democratic Representatives.

[The prepared statement of Mr. Pallone follows:]

Committee on Energy and Commerce

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

Hearing on “Moving the Goalposts: How NIL is Reshaping College Athletics”

March 4, 2025

Last Congress, at two hearings on college athletics, we heard widespread agreement from witnesses that finally allowing college athletes to profit from their Name, Image, and Likeness is a good thing and represents a long overdue change in college sports. So, today, if we want to focus on the real crises impacting our colleges and universities, we should be focusing on the financial disaster that they are facing at the hand of President Trump and this complicit Republican Congress.

Trump has cut funding from the National Institutes of Health (NIH) to our colleges and universities and froze their ability to access current grant funding and apply for future funding.

Colleges and universities are now scrambling to figure out how they are going to proceed with their research programs. The cuts threaten their ability to conduct critical clinical trials for cancer, heart disease, children’s health, and more.

This is a major crisis, yet Republicans are ignoring it and would rather talk about college sports. Talk about misplaced priorities. I’d like to yield two minutes each to Representative Trahan and Representative Dingell.

Mr. PALLONE. First, 2 minutes to Representative Trahan.

Mrs. TRAHAN. I thank the ranking member for yielding.

As a former DI college volleyball player, the topic of today's hearing hits home.

But I want to begin by echoing the ranking member's concerns about the biggest threats facing colleges and universities today. After all, I wasn't just an athlete at Georgetown, I was a student.

I was the first in my family to graduate from college, and I saw the transformative impact of higher ed, and I am deeply troubled that the actions by the Trump administration will jeopardize higher education and strip future generations of the opportunity we as athletes were afforded.

As this committee has heard in previous hearings, athletes must be centered in any debates that will affect the future of college sports. Since I came to Congress, my work in this area has been guided by that simple principle: putting athletes first.

However, I am concerned that the majority will put forward legislation that will roll back progress and restrict athletes, limiting their financial opportunity, denying them health and safety benefits, and failing to close the rampant Title IX loopholes robbing thousands of women across the country from athletic opportunities.

Instead, I implore my Republican colleagues to work with me on the legislative proposals I have put forward.

When I wrote the Fair Play for Women Act, I did so with the knowledge that schools were systemically taking advantage of Title IX loopholes that deprive women athletes of roster spots.

When I introduced the College Athletic Economic Freedom Act to establish a Federal right for athletes to pursue NIL opportunities, I had in mind countless stories of athletes unable to fly their parents in to watch them play or going to bed hungry, all because they couldn't make money off their own name and their schedules were too demanding to get a second job.

As this committee and our colleagues in the Senate look to pass Federal standards on NIL, revenue sharing, or athletes' employment rights, we must meet this moment and prioritize the athletes as opposed to enshrining the power structures that have limited their opportunities for decades. Otherwise, we risk jeopardizing the tremendous gains in recent years with one-sided proposals that provide much less than our Nation's athletes deserve.

[The prepared statement of Mrs. Trahan follows:]

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Commerce, Manufacturing, and Trade Member Lori Trahan
Hearing on “Moving the Goalposts: How NIL is Reshaping College Athletics”

March 4, 2025

I thank the Ranking Member for yielding.

As a former D1 college volleyball player, the topic of today’s hearing hits home. But I want to begin by echoing the Ranking Members’ concerns about the biggest threats facing colleges and universities today.

After all, I wasn’t just an athlete at Georgetown, I was a student. I was the first in my family to graduate from college, and I saw the transformative impact of higher ed. And I’m deeply troubled that the actions of the Trump Administration will jeopardize higher education and strip future generations of the opportunity we as athletes were afforded.

As this Committee has heard in previous hearings, athletes must be centered in any debates that will affect the future of college sports. Since I came to Congress, my work in this area has been guided by that simple principle: putting athletes first.

However, I’m concerned that the majority will put forward legislation that will roll back progress and restrict athletes - limiting their financial opportunity, denying them health and safety benefits, and failing to close the rampant Title IX loopholes robbing thousands of women across the country from athletic opportunities.

Instead, I implore my Republican colleagues to work with me on the legislative proposals I’ve put forward. When I wrote the Fair Play for Women Act, I did so with the knowledge that schools were systematically taking advantage of Title IX loopholes that deprive women athletes of roster spots. When I introduced the College Athlete Economic Freedom Act to establish a federal right for athletes to pursue NIL opportunities, I had in mind countless stories of athletes unable to fly their parents in to watch them play or going to bed hungry, all because they couldn’t make money off their own name and their schedules were too demanding to get a second job.

As this Committee and our colleagues in the Senate look to pass federal standards on NIL, revenue-sharing, or athletes’ employment rights we must meet this moment and prioritize the athletes, as opposed to enshrining the power structures that have limited their opportunities for decades.

Otherwise we risk jeopardizing the tremendous gains in recent years with one-sided proposals that provide much less than our nations’ athletes deserve.

Thank you Ranking Member, and I yield back.

Mrs. TRAHAN. Thank you, Ranking Member. I yield back.

Mr. PALLONE. Thank you.

And I yield now to the biggest champion for the University of Michigan, Mrs. Dingell.

Mrs. DINGELL. Go, Blue!

Thank you, Ranking Member Pallone.

Before I dive in, I want to echo the ranking member's earlier comments.

National Institutes of Health funding is vital. I have heard from countless researchers in my district who are terrified about what this means for the future of biomedical research in the United States.

This action by the Trump administration threatens to undo the progress our Nation's premier research universities have made and will stump future scientific breakthroughs.

I am hopeful my colleagues will join us to fight for colleges and universities to receive adequate funding from NIH to support their vital research missions.

But since this hearing is on the NIL, I want to turn to college sports.

College sports are the lifeblood of so many communities across the country. As someone who represents a significant college athletic population at schools big and small, I am committed to crafting Federal legislation that ensures all college athletes are heard, protected, and prioritized.

I am lucky to have both the University of Michigan and Eastern Michigan University, two very different schools we have got to protect for their phenomenal college athletic programs and their expertise.

I want to thank the chair for holding this hearing. With everything happening in college sports since the last time we convened on this topic, I think it is important to start these conversations early this Congress.

I look forward to working with Chair Bilirakis, Ranking Member Schakowsky, my colleague Mrs. Trahan, and other members of this committee on Federal legislation that both protects and empowers college athletes.

This isn't just about the top athletes on the top 40 football and basketball teams. We need to get this right for more than 500,000 college athletes nationwide.

[The prepared statement of Mrs. Dingell follows:]

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Commerce, Manufacturing, and Trade Member Debbie Dingell
Hearing on “Moving the Goalposts: How NIL is Reshaping College Athletics”

March 4, 2025

Thank you, Ranking Member Pallone.

Before I dive in, I want to echo the Ranking Member. National Institutes of Health funding is vital. I’ve heard from countless researchers in my district who are terrified about what this means for the future of biomedical research in the United States. This action by the Trump administration threatens to undo the progress our nation’s premier research universities have made and will stunt future scientific breakthroughs. I’m hopeful my colleagues will join me to fight for colleges and universities to receive adequate funding from NIH to support their vital research missions.

With today’s hearing on NIL, I want to turn to college sports. College sports are the lifeblood of so many communities across the country. As someone who represents a significant college athlete population — at schools big and small — I am committed to crafting federal legislation that ensures all college athletes are heard, protected, and prioritized.

I’m so lucky to have both the University of Michigan and Eastern Michigan University in my district — for their phenomenal college athletic programs and for their expertise.

And I want to thank the Chair for holding this hearing. With everything happening in college sports since the last time we convened on this topic, I think it’s only right that we start these conversations early this Congress.

I look forward to working with Chair Bilirakis and other Members of this Committee on federal legislation that both protects and empowers college athletes.

This isn’t just about the top athletes on the Top 40 football and basketball teams. We need to get this right for the more than 500,000 college athletes nationwide.

I yield back.

Mrs. DINGELL. And with that, I yield back.

Mr. BILIRAKIS. Gentlelady yields back.

And now I am going to introduce our witnesses.

I really appreciate you all being here. I know that it could be intimidating, and sometimes you give your views in public and become a little controversial. You are here representing yourselves more than your university. But I get a lot of opinions from athletes and coaches, but they don't want to come and testify. So I just give you so much credit for doing this.

So hopefully we will learn. We need to hear from you. Rather than us talking, we need to hear from you so we get a good bill. We need a good bill, and we have to work in a bipartisan fashion to get a good bill.

So without further ado, I introduce the witnesses.

Ms. Emily Cole, All-American track athlete, Duke University, class of 2024.

Thank you for being here. We appreciate you so much.

Mr. Justin Falcinelli. He is a former college athlete, Clemson University—so you are representing the ACC—and vice president of the College Football Players Association.

Welcome.

Mr. Anthony Egbo, a football athlete, Abilene Christian University, class of 2024.

Thanks for being here, Anthony.

And then we have Mr. Josh Whitman, who is an athletic director at the University of Illinois. Go, Illini! And we have got an Illinois Member of Congress here, our ranking member, so she will be happy about that.

And then we want to introduce—I am going to yield to Representative Fry on this introduction—but a great coach and an outstanding individual and comes from a great family.

So I really appreciate you being here, sir, representing yourself, but you are also representing to a certain extent the SEC.

So thank you very much.

I am going to yield to Representative Fry to introduce our guest.

Mr. FRY. Thank you, Mr. Chairman.

I am honored to introduce the head football coach of the South Carolina Gamecocks, Shane Beamer.

Good to see you, sir.

Since taking over as head coach of the University of South Carolina in December of 2020, Coach Beamer has led the program to historic success, securing the most wins through four seasons of any coach in the Carolina football history.

This past season, Coach Beamer was his most successful yet, guiding the Gamecocks to nine wins, including a win over Clemson University—I am sorry, sir—and earning the SEC Coach of the Year honors from both the Associated Press and the USA Today.

You know I had to do this, right?

As the son of legendary coach Frank Beamer, Shane has been immersed in college athletics his entire life—which I think is really important to guide us in this discussion today—bringing a deep understanding of the game and the evolving landscape of college sports.

This fall he will open up the 2025 season against Virginia Tech, his alma mater and the program that his father built, where I fully expect that he will put on full display the SEC dominance in this nonconference matchup.

Coach Beamer is uniquely positioned to navigate the challenges of NIL and the ever-changing world of college athletics, ensuring that his players are prepared for success both on and off the field.

And I will say because all coaches seem to be players' coaches, Coach Beamer has made it a hallmark of his coaching career to be really focused on the players. And so I think that vantage point is really important today.

I want to thank him for his time today and look forward to his testimony.

With that, Mr. Chairman, I yield back.

Mr. BILIRAKIS. Thank you. Gentleman yields back.

Now I will recognize Ms. Cole.

You are recognized for 5 minutes for your testimony. Again, thank you for being here.

STATEMENTS OF EMILY COLE, ALL-AMERICAN TRACK ATHLETE, DUKE UNIVERSITY 2024; JUSTIN FALCINELLI, VICE PRESIDENT, COLLEGE FOOTBALL PLAYERS ASSOCIATION; ANTHONY EGBO, JR., DIRECTOR, WILDCAST CLUB, ABILENE CHRISTIAN UNIVERSITY; JOSH WHITMAN, DIRECTOR OF ATHLETICS, UNIVERSITY OF ILLINOIS; AND SHANE BEAMER, HEAD FOOTBALL COACH, UNIVERSITY OF SOUTH CAROLINA

STATEMENT OF EMILY COLE

Ms. COLE. Perfect. Thank you so much. I am honored to be here.

Chairman Guthrie, Ranking Member Pallone, Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the Subcommittee on Commerce, Manufacturing, and Trade, thank you for the opportunity to testify before you today on the important topic of how name, image, and likeness, NIL, is reshaping college athletics. And happy Mardi Gras.

Some of you might know me as the Duke runner who went viral for documenting my weeklong journey getting a knot out of my hair after running in the rain. While this moment may have been light-hearted, it highlights the immense reach of college athletics, reach that was once largely limited to sports like men's football and basketball but is now extended to female and nonrevenue sports, thanks largely to the power of social media.

When I arrived at Duke in 2019, I was eager to pursue both my academic and athletic goals. But just as my journey was beginning, the world came to a standstill. During my freshman year, the pandemic hit.

After spending months at home, unsure if we would have a cross country season or even return to campus, I decided to take a gap semester to pursue a 2-year-long project.

That fall I began writing my first book, "The Players Plate: An Unorthodox Guide to Sports Nutrition," which was inspired by my experience falling into a 2-day coma at 17 years old due to over-hydration and a lack of sodium.

Conveniently, its publication aligned with the new NIL laws, officially making me the first NCAA athlete to write and profit from a book using my NIL.

At the same time, my athletic career was taking off. I qualified for the NCAA championships for the first time, earned All-American honors, and qualified to compete in the U.S. Track and Field Championships, where I had the opportunity to race against my idols.

These experiences allowed me to build a personal brand rooted in my passions and positioned me at the forefront of how Olympic and female athletes could benefit from the new NIL policies.

While much of the NIL conversation centered around football and basketball, my journey demonstrated how athletes in sports without large TV advertising contracts who had long been overlooked in these discussions could also leverage their brand in impactful ways.

Today I have over 700,000 followers across platforms, and I strive to use my position to inspire young athletes to fuel their bodies well, chase their dreams, and build the confidence they need to pursue their goals in sport, education, and life.

While I initially negotiated all my brand deals on my own, I quickly realized this was not sustainable amid my academic and sport responsibilities. That is when I connected with an agency who already had experience with college athletes, and I have worked with them ever since.

I am incredibly grateful for the many ways they have helped me navigate this evolving industry. With their support, I have secured multiple five-figure deals with brands such as Therabody, Dick's Sporting Goods, Marriott Hotels, Gatorade, and H&R Block.

Ensuring that future athletes are protected in these partnerships is essential to guaranteeing that they have the same positive experience that I did.

I was also fortunate to be a part of the inaugural NCAA x Meta NIL Empower Program, which provides education and resources to female athletes on how to build a brand and maximize their NIL opportunities.

Since then, I have continued to serve as a mentor for the program, helping ensure the next generation of female athletes is equipped with the knowledge and support they need to confidently navigate this new era.

The value of NIL is undeniable, and its impact on college athletics has only begun to be understood. Thoughtful implementation is key to ensuring that all athletes are protected, have equal access to opportunities, and continue to receive the education that will serve them long after their playing careers.

It is essential to establish uniform rules for all student-athletes as opposed to the current patchwork of State laws. At the same time, we must protect Olympic and nonrevenue sports from unintended consequences that could threaten their future.

While NIL has created incredible opportunities, classifying college athletes as employees is not the right path forward. Doing so could put nonrevenue sports, women's sports, and small universities at risk due to financial constraints.

Instead, we must find solutions that allow athletes to benefit from their NIL while preserving the integrity and accessibility of college athletics.

Furthermore, the minimum number of sports required for Division I status must remain unchanged. Reducing this requirement would lead to widespread cuts in nonrevenue sports, eliminating countless scholarships and stripping athletes like myself of the opportunity to pursue a college education through their sport.

In May 2024, I graduated from Duke with a degree in computer science and a minor in economics. Since then, I have continued my brand partnerships while also taking on a part-time role as an associate at a venture capital firm where I combine my expertise in brand building, health tech, and women's sports to drive innovation and investment in these spaces.

I will forever be grateful for all that the new NIL laws have made possible for me, and I am excited to see how they continue to evolve with the help of Congress.

Thank you again for allowing me to share my story with you all today.

[The prepared statement of Ms. Cole follows:]

Congressional Testimony of Emily Cole

*U.S. House of Representatives Energy and Commerce Committee, Subcommittee
on Commerce, Manufacturing, and Trade*

March 4, 2025

Chairman Guthrie, Ranking Member Pallone, Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the Subcommittee on Commerce, Manufacturing, and Trade, thank you for the opportunity to testify before you today on the important topic of how Name, Image, and Likeness ("NIL") is reshaping college athletics.

Some of you might know me as the Duke runner who went viral for documenting my week-long journey getting a knot out of my hair after running in the rain. While this moment may have been lighthearted, it serves as an example of the immense reach of college athletics—reach that used to be largely limited to sports like men's football and basketball but has now begun to extend to female and non-revenue sports as well, thanks to the power of social media.

I am so grateful that the new policies around NIL have positively impacted me and allowed me to pursue my dreams on and off the track. My journey, however, did not begin with NIL. It began long before the laws changed, back when I was growing up in Houston, Texas.

I grew up attending my sisters' volleyball, basketball, and track meets, as my parents always encouraged us to try as many sports as possible. When I was in just fifth grade, my oldest sister, Kristin, was accepted to Duke, sparking my lifelong passion for Duke sports. During her sophomore year in 2012, she wrote a paper on why student-athletes should be able to profit from their NIL, which led to deep discussions within our family. At the time, I had no idea that this debate, one I first considered at such a young age, would later become a defining part of my own experience as a college athlete.

Eight years after Kristin's acceptance to Duke, I arrived on the historic campus myself, eager to pursue both my academic and athletic goals. But just as my journey was beginning, the world came to a standstill. During my freshman year in 2019, the COVID-19 pandemic hit, bringing uncertainty and disruption.

Yet, amid the chaos, I found an opportunity in the unexpected downtime. I started sharing more of my journey on social media, something my middle sister, Julia, a Vanderbilt graduate and country music artist, had encouraged me to do. She had seen firsthand how social media was transforming opportunities for artists and believed it could help me build a platform as an athlete, too. Neither of us realized at the time how this would give me a head start when the NIL laws changed shortly thereafter.

More specifically, I finally had the time to pursue and document a large endeavor I had been considering for the past year: writing a book.

The following fall, during my sophomore year, I took a gap semester to officially begin writing *The Player's Plate*, a guide to fueling with balance as an elite athlete. My inspiration for the book came from my own life-changing experience during my senior year of high school. As I had become more stringent with what I ate to fuel my running goals, I started feeling sick and eventually fell into a coma due to hyponatremia—a condition caused by dangerously low sodium levels, often from overhydration without electrolytes. This life-threatening experience at just 17—one that completely contradicted society's traditional idea of "healthy," which emphasizes drinking more water and eating less salt—opened my eyes to the need for a deeper understanding of the unique nutritional needs of athletes at all ages and levels.

Conveniently, *The Player's Plate* was published just after the NCAA's policies around NIL changed, allowing college athletes to profit from their name, image, and likeness. I became the first NCAA athlete to write and profit from a book using NIL, though that was never the goal when I set out to write it.

At the same time, my athletic career was taking off. I qualified for the NCAA Championships for the first time, earned All-American honors, and qualified to compete in the U.S. Track and Field Championships, where I had the opportunity to race against my idols.

This fortunate timing allowed me to build a personal brand rooted in my passions and unintentionally placed me at the forefront of how Olympic and female athletes could navigate this new era. While much of the NIL conversation centered around football and basketball, my journey demonstrated how these opportunities could also empower athletes in sports without large TV advertising contracts that had long been overlooked in those discussions.

As my social media presence grew, I initially negotiated all of my brand deals on my own. However, I quickly realized that managing everything myself was no longer sustainable. That's when I connected with Michael Raymond. His agency, Raymond Representation, operates with a human-first approach, and I knew immediately it was the right fit. Protecting athletes in these partnerships is essential to ensuring that future student-athletes have the same positive experience that I did. With their support, I've secured multiple five-figure deals with brands such as Therabody, Dick's Sporting Goods, Marriott Hotels, Gatorade, and H&R Block.

I was also fortunate to be part of the inaugural NCAA x Meta NIL Empower Program, which provides education and resources to female athletes on maximizing their NIL opportunities. Since then, I have served as a mentor for the past two years, helping new athletes navigate the NIL space, build their brands, and use their platforms to create meaningful change.

Just last week, I launched my Salty and Strong Run Club in partnership with Morgan's Message, a nonprofit founded by the parents of a fellow Duke female athlete that focuses on raising awareness about student-athlete mental health. Today, I have over 700,000 followers across platforms. As we all know, social media is often seen as just a highlight reel. Because of this, I strive to use my voice to share both the highs and lows of life—helping inspire young athletes to fuel their bodies well, chase their dreams, and build the confidence they need to pursue their goals in sport, education, and life.

To preserve opportunities for all student-athletes, the minimum number of sports required for Division I status must remain unchanged. Reducing this requirement would lead to widespread cuts in non-revenue sports, eliminating countless scholarships and stripping athletes of the opportunity to receive a college education while competing at the highest level—opportunities that shaped my own journey in profound ways.

Furthermore, while NIL has created meaningful opportunities, classifying college athletes as employees is not the right path forward. Doing so could put non-revenue sports, women's sports, and smaller universities at risk due to financial constraints. Instead, we must find solutions that allow athletes to benefit from their NIL while ensuring the integrity and accessibility of collegiate athletics.

The value of an athlete's NIL is undeniable, and the impact of these new policies on college athletics is still unfolding. Thoughtful implementation is key to ensuring that all athletes are protected, have equal access to opportunities, and continue to receive the education that will serve them long after their playing careers. However, inconsistencies in state laws create disparities that threaten the ability of all athletes to access the same opportunities I have had. Addressing these gaps is essential to maintaining fairness in this evolving landscape.

My own experiences navigating this space have continued to shape my story in unexpected ways. In May 2024, I graduated from Duke with a degree in Computer Science and a minor in Economics. Since then, I've continued my brand partnerships while also taking on a part-time role as an associate at Visible Ventures, a venture capital firm co-founded by fellow Duke alum Lori Cashman.

This opportunity came about largely because Lori had followed my journey on social media and seen how my passions aligned with Visible's mission. She recognized my dedication to women's sports, my experience building a personal brand as an athlete, and my decision to study computer science with the goal of leveraging AI and machine learning to advance women's health and nutrition. Her awareness of my work opened the door to this incredible opportunity, allowing me to bring my unique experiences to the world of venture capital.

In conclusion, I will forever be grateful for all that the new NIL laws have made possible for me. They have empowered me to take control of my personal brand, mentor female athletes to do the same, and ultimately land my dream job while pursuing professional running.

I look forward to seeing how this new era of college athletics continues to evolve, ensuring that athletes not only receive a great education but also have the opportunity to make a meaningful impact beyond their sport.

Thank you again for allowing me to share my story with you all today.

Mr. BILIRAKIS. Thank you very much.
Now I will recognize Mr. Falcinelli for your 5 minutes of testimony.

STATEMENT OF JUSTIN FALCINELLI

Mr. FALCINELLI. Thank you, Chairman Bilirakis, Ranking Member Schakowsky, and members of the Subcommittee on Commerce, Manufacturing, and Trade. I appreciate the opportunity to testify here today on behalf of the College Football Players Association, or CFBPA.

My name is Justin Falcinelli, and I am the institution's vice president. I joined the CFBPA in the fall of 2021 as its first alumni member, and I have spent the past 4 years working to build an independent, voluntary, nonpartisan, member-driven players association that brings together past, present, and future college football players from all levels of play.

I played college football at Clemson University from 2014 to 2018. I was a 2-year starter, first-team All-ACC center, two-time College Football Playoff national champion, and recipient of Clemson's top male scholar-athlete award. Additionally, I completed my Master's of Business Administration in 2018 in the middle of my final season and never lost to South Carolina.

We are, of course, going to talk about many important topics today: NIL, the House Settlement, of which I am a class member, revenue sharing, the possibility of athlete employment, collectives, collective bargaining, the transfer portal, and much, much more.

As a former athlete who competed at the highest level athletically and academically and who has spent the past 4 years speaking with current college football players and helping to educate them on these very topics, I am prepared to answer all questions you may have about these important issues.

In general, at the CFBPA our position is that the problems of college football are not so large that they cannot be solved by those within the industry—namely, administrators, coaches, and players—collectively through players associations.

A collectively bargained model for college athletics would be protected from legal challenges and create the sustainable solution needed by all within the industry.

Most importantly, collective bargaining and enforcement of a collective bargaining agreement by the CFBPA would allow us to solve the festering health and safety problems which continue to plague the sport of college football.

I am going to focus on two such issues for the remainder of my testimony, and I hope the subcommittee will give these important issues the weight they deserve in the question-and-answer portion of our hearing.

Issues of compensation and player free agency are important, but I would submit that they are not more important than the health and safety and welfare of college athletes.

The NCAA was created over a hundred years ago with the primary focus of protecting the health, safety, and welfare of college football players after a season in which over 30 college football players died playing the game. Such a problem, among others, in the health and safety realm still exists today.

Despite the NFL only experiencing one player death this century, roughly two NCAA football players have died per year this century. All but one of these deaths occurred in off-season practices. Research shows how simple practice reforms would end such deaths in the future.

The NCAA has largely ignored this issue, and where it has put in place safety guidelines, it has abdicated the enforcement of those same guidelines. As such, only a truly independent players association could bring about real enforcement to make players safer in practice.

Another area I hope we can focus on today is the need for independent medical care for college football players nationwide.

Almost every college athlete at almost every institution knows somebody or has experienced themselves inadequate medical care. Many athletes have been pushed to return to play before their body or mind has fully healed by compromised medical providers within their athletic departments.

A 2019 report by the National Athletic Trainers Association indicated that 36 percent of athletic trainers reported that coaches influenced the hiring and firing process for sports medicine staff in their athletic department.

This is done so a coach can secure a medical staff which will yield to their decisions regarding medical care. This often means rushing guys back to play or downplaying the severity of injuries to players.

We saw a tangible example of this recently in the court case of our adviser, Dr. Scott Lynch. A Pennsylvania jury awarded Dr. Lynch \$5 million after finding that he had been fired as head team doctor for Penn State football in retaliation for complaining about head football coach James Franklin interfering with medical treatment and return-to-play decisions.

To this day, the NCAA and Big Ten have remained silent on the jury verdict and damages against their member institution Penn State. You do not often hear these stories, as players do not want to risk their playing time, their scholarships, their pro careers, or their future coaching careers by speaking out against their institutions.

For the vast majority of college athletes, these are the truly pressing issues that affect our ability to compete and shape the quality of our lives after competition has ended.

Given that the NCAA seems uninterested in policing its member institutions, it is necessary for new organizations to step into the void, negotiate collectively bargained rules, and then enforce those rules.

For coaches and athletic directors who want to do the right thing, we want to work with you to empower and protect your athletes and negotiate a more equitable and sustainable future for college athletics.

Thank you.

[The prepared statement of Mr. Falcinelli follows:]

Written Testimony of Justin Falcinelli, Vice President, College Football Players Association
U.S. House of Representatives Subcommittee on Commerce, Manufacturing and Trade
4 March 2025

The problems of college football are not so large that they cannot be solved by those within the industry—namely administrators, coaches and players collectively through players associations. At the College Football Players Association (CFBPA), we’ve developed a platform which attempts to address the key problems within the game and create workable solutions with those who wish to partner with us. 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 CFBPA-employed full-time employee representatives.
- 3) Healthier practices similar to the NFL and Ivy League football enforced by a CFBPA-employed full-time employee representatives.
- 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.

Elaboration of the CFBPA Platform for Change

Plank #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.

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, 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.

Additionally, also since 2021, athletes and their advocates have employed the courts and state legislatures to secure them the basic right of any other student on university campuses to transfer to another school if they so choose. Additionally, these same athletes also have been exercising their right as individual laborers to test the market and see if they could garner higher NIL compensation by transferring to another school. Once again, for athletes with high-earning

potential, this new freedom of movement, which had previously been restricted by the NCAA, has been a net positive.

Despite the combination of NIL and the transfer portal being good for some individual athletes, the combination of the two have created a much more chaotic environment within college athletics. At the CFBPA, we agree that a more sustainable framework is necessary. That solution is collective bargaining with college football players. Administrators within the conferences and the College Football Playoffs should sit down with the players through their independent players association and carve out new rules and regulations together which will create a more sustainable framework for college football and, by extension, all of college athletics. 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 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. Everyone in college athletics would benefit from this more sustainable, collectively bargained, solution which would be insulated from legal challenge.

Plank #2: Guaranteed independent medical care enforced by CFBPA-employed full-time employee representatives.

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. Almost every college athlete, at almost every intuition, knows somebody, or has experienced themselves, inadequate medical care. Many athletes have been pushed to return to play before their body or mind has fully healed by

compromised medical providers within their athletic departments. A 2019 report by the National Athletic Trainers' Association indicated that 36% of athletic trainers reported that coaches influenced the hiring and firing process for sports medicine staff in their athletic department.¹ Such influence is usually done so a coach can secure a medical staff which will yield to the coaches' decisions regarding medical care. In football, this often means "rushing guys back" before their injuries have fully healed. We saw a tangible example of this recently in the court case of CFBPA advisor Dr. Scott Lynch. A Pennsylvania jury awarded Dr. Lynch \$5.25 million after finding that he had been fired as head team doctor for Penn State football in retaliation for complaining about head football coach James Franklin interfering with medical treatment and return-to-play decisions.² The suit also alleges that former Athletic Director Sandy Barbour acted as an enabler for Coach Franklin in these actions and in hiring medical staff which would be more easily influenced by the football coaching staff. To this day, the NCAA and the Big Ten have remained silent on the jury verdict and damages against their member institution Penn State. No investigation has been launched. Given that the NCAA and conferences have shown unwillingness to address this well-known problem which undoubtedly exists at other schools besides Penn State, 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

¹ <https://www.nata.org/press-release/062619/only-half-collegiate-level-sports-programs-follow-medical-model-care-student>

² For more on the case see: https://www.espn.com/college-football/story/_/id/40242103/penn-state-scott-lynch-doctor-james-franklin-verdict

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

Plank #3: Healthier practices similar to the NFL and Ivy League football enforced by a CFBPA-employed full-time employee representatives.

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.³

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, once study showed that while 72 percent of concussions occur during practices in college football, the number in the NFL is only 7 percent.⁴ Moreover, only one NFL player has died this century in practices. Likewise, the Ivy League has also dialed back contact

³ 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>.

⁴ 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.

in football practice with excellent results. Dartmouth College has been at the forefront of this movement by employing new technology designed to eliminate players on the same team hitting one another entirely in practice.⁵ These NFLPA and Ivy League reforms could be replicated across college football and enforced by the CFBPA rep.

Plank #4: Post-football health protections

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. I myself am one such member. 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 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: A real off-season

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

⁵ For more on Dartmouth, see Leana S. Wen, “[Here's One Way to Make Football Safer](#),” *Washington Post*, 28 November 2022.

have clear PDF charts online which athletes could download to understand the 20/8 limits, but even those have been removed.⁶ 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: A percentage of big money media rights revenue contracts for the players whose name, image and likeness are used in that media

Media rights contracts for Power Four football conferences and the College Football Playoff Championship (CFP) have exploded in recent years and will continue to do so in the future. In the coming years, FBS football – particularly at the Power Four level – will be awash in many billions more of new dollars. The players that generate this wealth deserve to share in it. Thankfully, the NCAA, the conference and the member institutions have finally dropped their long-standing resistance to revenue sharing through the antitrust settlement in the *House, Hubbard* and *Carter* cases. Should the settlement for these cases receive final approval this April, revenue sharing—the vast majority of which will go to the college football players who generate this wealth—will begin in July of this year. Even if the settlement is not granted final approval, it is still obvious that schools will

⁶ 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>.

begin revenue sharing revenue anyways. Schools are having athletes sign revenue sharing agreements and are prepared to begin doing so whatever the outcome of final approval. This is all welcome.

As with other athlete advocates, we are worried that the settlement was negotiated without the direct input of college football players through a players association as is the case in other professional sports. Thus, the cap that was negotiated on revenue sharing—as well as other elements of the settlement—are open to further legal challenges of the type that have plagued the NCAA and its member institutions. While the CFBPA has issued no such legal challenges itself, and would very likely not do so in the future, actual negotiations with college football players collectively is what is so clearly needed to create a more sustainable model for college athletics. Thankfully, the terms of the settlement provide for a new framework to be collectively negotiated with college athletes through their players associations in the future. Such a model would be protected from legal challenges and create the sustainable solution needed by all. Collective bargaining with college football players is the clear way forward. It is a tried and tested solution for professional sports like college football. We extend a hand to anyone who wishes to partner on the implementation of such a future.

Mr. BILIRAKIS. Thank you. Just in time. Appreciate it very much. Mr. Egbo, you are recognized for 5 minutes. Welcome.

STATEMENT OF ANTHONY EGBO, JR.

Mr. EGBO. Good morning, Chairman, Ranking Member, and distinguished subcommittee members. My name is Anthony Egbo, Jr. I am a former football student-athlete at Abilene Christian University.

I came through the front doors of ACU's football facility on my own accord as a 5-7, 145-pound defensive back walk-on hopeful. Half a decade later, my life has completely changed. I am still short, but that hope eventually turned into a full-ride scholarship, becoming a 2-year starter, team captain, FCS Defensive Scholar of the Year, two degrees, including my MBA, multiple job offers, and a robust network portfolio.

During my time as a student-athlete, I had the opportunity to immerse myself in student-athlete advocacy, serving as an officer, vice president, president of my institution's student-athlete advisory committee, eventually serving as a Division I representative for the Western Athletic Conference, all of which culminated in me being voted by my peers as the vice chair of the NCAA Division I National Student-Athlete Advisory Committee.

My story is one of opportunity, the kind that defines college athletics for hundreds of thousands of student-athletes like me.

I know this hearing is about NIL, so I would like to briefly share how I benefited from my name, image, and likeness.

I have had multiple NIL agreements with businesses in and around my community. One of my favorites was actually a deal with a local bakery who made the Egbo Sandwich. It was a sandwich named after me. And yes, it had egg in it. It was marketed throughout my senior year and in all my games.

My biggest deal, though, was with First Financial Bank. I became their national brand ambassador, appearing in commercials, photo shoots, even appearing in stakeholder meetings.

The professional development and compensation I earned from those deals embodies everything NIL is supposed to be about.

NIL is a beautiful tool. But, unfortunately, the reality right now is that NIL is the Wild West. With more than 30 State NIL laws in litigation, different States and schools within those States are operating on different playing fields. To put it simply, everyone is not playing by the same rule book.

As the vice chair of Division I SAAC, I have had the opportunity to talk to a wide range of student-athletes from different Division I schools across the country.

If I could sum up two main priorities I heard over and over again in my conversations, it would be this.

First, student-athletes want uniform NIL rules and clarity. Without a clear and consistent set of rules, a lot of student-athletes are fending for themselves. I have heard of student-athletes getting taken advantage of due to large gray areas from the lack of clear and enforceable rules.

Uniform rules and clarity are needed to ensure that NIL fulfills its intended purposes and it is not harmful to the ones it was created to benefit.

Secondly, student-athletes want to remain student-athletes, not employees. Employment has a serious potential to evaporate opportunity and access to college sports outside of the top 5 percent of programs.

In my conversations, I have not talked to a student-athlete who is anti getting paid, but they overwhelmingly say they do not want to be employees of their schools.

I am not here to testify because I was an All-American, big-time SEC football player. I am here because I am the opposite. I am here before you today to represent guys like me, the women who compete at schools like mine, those who play in nonrevenue-generating sports, those who compete at historically Black colleges and universities, those who play Olympic sports, and those who are at places that are offering athletics at a deficit to the university. This is the majority. This is really what most Division I sports programs are made up of.

I am hopeful that we can work together to ensure college sports are fair and continue to open the door to opportunities for countless young people like me.

I am hopeful and actively working on the ways that we can enhance the student-athlete voice and decision-making influence inside the structure that we are familiar with. I am hopeful that opportunities continue to flourish for the student-athletes of the future.

Thank you again for the opportunity to testify. I am incredibly appreciative of your commitment to shaping policies that will positively impact the next generation of student-athletes, and I look forward to the future with optimism.

[The prepared statement of Mr. Egbo follows:]

**HEARING BEFORE THE UNITED STATES
HOUSE ENERGY & COMMERCE COMMITTEE:
SUBCOMMITTEE ON COMMERCE, MANUFACTURING, & TRADE**

March 4, 2025

Written Testimony of Anthony Egbo

Chairman Bilirakis, Vice Chairman Fulcher, Ranking Member Schakowsky and distinguished subcommittee members; thank you for the opportunity to testify before you today. I consider it a privilege to share my perspectives on the world of college athletics and my student-athlete experience. That experience has been central to my life for the better part of my maturing adulthood.

My name is Anthony Egbo, Jr; I currently serve at Abilene Christian University as the Director of the Wildcat Club, the fundraising arm for all 15 Athletic Programs. Before stepping into this role, I came to the front doors of ACU's football facility on my own accord as a 145-pound defensive back walk-on hopeful. That hope eventually turned into a full-ride scholarship, a 2-year starter, team captain, the FCS Defensive Scholar of the Year, multiple internships, two degrees, including my MBA, and multiple job offers before I finished my last class. As part of this experience, I had the opportunity to immerse myself in student-athlete advocacy, serving as an Officer, Vice-President for two years, and President of my institution's Student-Athlete Advisory Committee (SAAC). I was then nominated to serve as the Division 1 Student-Athlete representative for the Western Athletic Conference, culminating in me being voted by my peers as the Vice Chair of the NCAA Division I National Student-Athlete Advisory Committee.

My story is one of opportunity—the kind of opportunity that defines college athletics for hundreds of thousands of student-athletes like me. I walked onto ACU's football team as an undersized player with a dream. Yes, it took hard work, perseverance, and support from those around me, but opportunity is what gave life to those dreams. It also created leadership experiences that have shaped my future.

My goal is to share my perspective in a way that I hope gives you a personal look into what makes being a Student-Athlete in America one of the greatest opportunities in the world and why many student-athletes feel we need congressional intervention to protect it.

My Experience with Name, Image, and Likeness:

I know this hearing is about NIL, so I thought it appropriate to give context on my relationship and engagement with NIL over my career. I was blessed with the opportunity to integrate myself at my institution and into the surrounding community, which led to multiple avenues for me to benefit from my Name, Image, and likeness. The first deal came from a nutraceutical company, which has grown into a national brand, Chike Nutrition. The good thing for me was that they are headquartered not even 5 minutes from my campus, and my middle name is Chike (a Nigerian root name meaning power); it was a natural fit, and I was able to strike a deal with them as I appeared in social media campaigns for them. The second deal came from a local coffee shop and Bakery in town named The Front Porch. They recognized me as a leader and marketable figure, and before long, the "Egbo Sandwich" was born. A sandwich named after me premiered through my entire senior year and was discounted based on my performance in each game.

Last but not least, I had my largest deal with First Financial Bank, a national Bank that also happens to be headquartered in Abilene. I became their national brand ambassador, with multiple commercials, photoshoots, and even appearances in their stakeholder meetings. The professional development I gleaned from these deals and the compensation I earned embodies everything NIL is supposed to be about. NIL is a beautiful tool that should be used and leveraged by student-athletes across the country in ways that not only give them a chance to make money but also create professional networks, professional development, and real-world experiences that will be carried into life after sports. The reality is it's the Wild Wild West. With more than 30 state NIL laws and litigation challenging basic rules like eligibility, different states and institutions within those states are operating on different playing fields. Simply put, everyone is not playing by the same rulebook. I've seen and heard these realities up close, specifically in the Division 1 football world. That is why working to make sure NIL rules and regulations are not only uniform across all states and schools but can also be enforced is essential.

The Reality of College Athletics

When people think of college sports, they often imagine the big-time football and basketball games that are played on national TV. But the reality is much broader. Over 190,000 student-athletes compete in Division 1 sports each year, and the vast majority of them—like me—are not household names. They are students who dedicate their time and energy to their sport while simultaneously earning their degree and catapulting themselves into life after athletics. For these student-athletes, the unique opportunity to do all these things at once is unique to college sports. Multitudes of student-athletes share my thoughts -- WE VALUE THIS EXPERIENCE

TREMENDOUSLY, and we know that College sports have evolved. We are actively engaging in more ways to be involved in its evolution, and while there is still work to do, we must be careful not to dismantle what makes it special.

As a Division 1 National SAAC member and Vice-Chair, I have had the opportunity to talk to athletes from different Division 1 Conferences across the country. If I could sum up my conversations in two major points, it would be this:

1. Uniform Access and Rules to NIL and Other Benefits

At the end of the day, I haven't talked to one student-athlete who is anti-getting paid. However, creating sustainable avenues for participation, graduation, and health and well-being is equally at the forefront of our desires. Those avenues include scholarship guarantees, post-eligibility health insurance, revenue-sharing like that proposed in the House settlement, and, of course, our favorite NIL. These are all good changes and enhancements to the progress of systems to benefit student-athletes. These avenues satiate the desire without dismantling the foundation of the student-athlete model. That foundation is what keeps college sports precisely what they are- sports for college kids. Protecting NIL rights and creating protections for student-athletes is imperative. I've heard of student-athletes getting swindled and others getting taken advantage of because there are not clear and enforceable rules. I've seen schools or representatives of schools make promises that were not kept, agents take cuts beyond reasonable cause, and even some student-athletes get convinced to take courses of action that are evasive of their prior commitments. Uniform rules and clarity on them are needed to ensure that NIL is here to stay; it fulfills its intended purposes and is not harmful to the ones it was created to benefit.

2. To remain student-athletes, not employees.

I have surveyed and talked directly to hundreds of student-athletes from a range of demographics, geographical spots, and sports about employment status and their perception of it, far more than most. I've also had significant exposure to university administration and presidents and how universities will be impacted. The consensus I can confidently state is this: Not only does an employment model dismantle the principle and foundational values of the student-athlete experience, but it is also unsustainable. Most importantly, student-athletes as a whole have great concerns with being classified as employees of their institutions. Some have offered different opinions on this subject, and I'd offer this; just ask student-athletes. Ask a chunk of the 190,000 Division 1 players – those that will be living the effects of this decision - what THEY actually want and what THEY actually believe is best for THEM. Ask the Power 4 Football Player, the mid-major Lacrosse player, the Women's Volleyball Player, and the Gymnast. In my conversations, student-athletes overwhelmingly say they do not want to be employees of their schools.

A Better Path Forward: Enhancing What it means to be a College Student-Athlete While Preserving Opportunity

I may be a dreamer, but I do believe there is a path forward that can satiate every concern all parties have. It doesn't need to be black and white; in reality, it shouldn't be. Here are my claims that I believe wholeheartedly: Student-athletes should have the ability to be compensated and also profit off their Name, Image, and Likeness. Revenue sharing as proposed in the House Settlement is critical. NIL is critical, and not only should they be in place, but they should continue to be enhanced as college sports continue to elevate. Student-athletes should be protected with scholarship guarantees, health insurance guarantees, post-eligibility financial funding, and other vital and enhanced protections even beyond what is in place now. Institutions should ensure that an educational component of the experience is foundational because the ultimate goal is to educate the future leaders of our country. There should be enhanced systems in place not only for student-athlete voice at the table but also for actual decision-making power and influence on matters that pertain to their experience at every level and my peers and I are working on ideas to improve what's already in place. The unintended consequences of employment seemingly do irreparable damage to the experience we know as college student-athletes. This is why I am here to testify. It's not because I was an All-American, big-time SEC Football player. It's because I'm the opposite. I dreamed of playing Division 1 Football, so I walked on, and my life was never the same. I got an education that has

changed the trajectory of my life, internships, and professional development opportunities that have led to my first full-time job out of school, all while playing the game I have always dreamed of playing at that level. Oh, and by the way, I snuck in 2 SEC starts along the way.

Playing my last collegiate game, starting against Texas A&M, was the culmination of that dream. So, I am here for guys like me. For women who compete at schools like mine, those who play in non-revenue generating sports, those who compete at Historically Black Colleges and Universities, those who play Olympic sports, and those who are places that are offering athletics at a deficit to the university, This is the majority. This is really what most Division 1 sports programs are made up of.

So I'm here for 17-year-olds in high school who have dreams and just want an opportunity. Kids that wouldn't be where they are without a chance, without an opportunity. There's nothing that embodies what American College Sports is supposed to be than that.

I'm asking you to help student-athletes by creating uniformity and stability with NIL, protecting us from employment status classification, and ensuring consistent rules can be made and enforced.

Thank you again for the opportunity to testify. One of the beautiful things about our country is the fervent commitment we have to prepare the generations coming after us. I am incredibly appreciative of your commitment to shaping policies that will positively impact the next generation of student-athletes.

I look forward to the future with optimism.

Mr. BILIRAKIS. Let me just say this. Very well done. And we really appreciate your contribution. And I would like to meet with you maybe some other time so we can expand on these issues. So we really appreciate your input. Thank you.

All right. Next we have the athletic director from the University of Illinois.

You are recognized for 5 minutes, sir.

STATEMENT OF JOSH WHITMAN

Mr. WHITMAN. Good morning, Chairman Bilirakis, Ranking Member Schakowsky, other distinguished members of the committee. Thank you very much for the opportunity to be with you today.

My name is Josh Whitman. I recently began my tenth year as the director of athletics at my alma mater, the University of Illinois, which is a founding member of both the Big Ten Conference and the NCAA.

At Illinois, I am responsible for all facets of an athletics program that supports nearly 500 student-athletes competing in 21 varsity sports.

As an undergraduate business student at Illinois, I was an academic All-American football player, and played four seasons in the NFL.

After attending law school, I clerked on the United States Court of Appeals and worked briefly here as an attorney in Washington, DC.

Before returning to Illinois, I spent almost 6 years as the athletics director at two Division III institutions.

For the last 20 years, I have dedicated my career to working at the intersection of school and sport. For thousands of student-athletes, sports opened doors to a life-changing experience in education. I am a proud product of this system, and I am driven to continue making these same experiences available to today's student-athletes.

Today, college sports is experiencing a period of intense change that is unlike anything in its history. Efforts underway to reform and modernize college athletics are in many ways overdue, as the NCAA has not always moved with needed urgency.

Nonetheless, progress made in the last 20 years is indisputable. Division I schools now administer the Student-Athlete Opportunity Fund, which provides millions of dollars in direct support to student-athletes and their families. In addition, schools can now grant nearly \$6,000 annually to student-athletes as incentives for academic progress and graduation.

And in 2021, NCAA rules changed to allow student-athletes to monetize use of their own name, image, and likeness, with hundreds of millions of dollars now flowing through the system and into the hands of our student-athletes.

For almost a decade, Autonomy 4 institutions have offered additional protections for student-athletes, protections that recently became mandated across all of Division I. Schools cannot reduce or cancel scholarships based on injury or performance, and institutions must fund athletics-related medical care for at least 2 years following conclusion of a student-athlete's collegiate career.

But the biggest changes are yet to come. In April, we are hoping for final judicial approval of what would be a historic settlement: three class-action lawsuits, commonly referred to as the House Settlement.

Under its terms, schools will have the option to distribute more than \$20 million annually to student-athletes, resulting in tens of billions of dollars flowing directly to student-athletes over the next decade.

The challenge we face today is the environment in which these changes are occurring, highlighted by increasingly active State legislatures and outside entities advancing their own agendas. We now have an expanding patchwork of State laws that are frequently being adopted to create competitive advantage for their hometown institutions.

At the same time, the efforts to recast student-athletes as institutional employees would be catastrophic for the vast majority of the NCAA's membership, likely resulting in lost opportunities for thousands of student-athletes.

To preserve the American collegiate sports model that has benefited millions of students, families, and communities for generations, we need help from Congress to pass comprehensive bipartisan legislation (1) that codifies various benefits and protections for student-athletes; (2) that establishes a national NIL and revenue-sharing framework largely in line with what is contemplated by the House Settlement; (3) that preempts State laws that have increasingly become weaponized to provide competitive advantages to hometown institutions; (4) that provides a limited antitrust safe harbor that will allow us needed flexibility to create a reasonable and enforceable regulatory framework governing such things that are as basic as eligibility rules; and (5) that clarifies that the relationship between student-athletes and their institutions is not that of an employer and an employee.

When meeting in the past, Congress has helped advance the interests of the college athletics enterprise, an institution that is uniquely and proudly American. We again need your help to provide us the tools needed to modernize our ecosystem while at the same time protecting our student-athletes and the pillars that are central to our model.

I am eager to continue working with you to achieve these noble objectives.

Thank you. Look forward to answering your questions.

[The prepared statement of Mr. Whitman follows:]

Testimony of Josh Whitman

Director of Athletics, University of Illinois

U.S. House Energy and Commerce Committee, Subcommittee on Commerce,

Manufacturing, and Trade

Hearing on “Moving the Goalposts: How NIL is Reshaping College Athletics”

March 4, 2025

Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the Committee, thank you for the opportunity to be with you today to talk about the state of collegiate sports and the multifaceted changes that are transforming our cherished American model.

Introduction and Background

My name is Josh Whitman, and I recently began my tenth year as the Director of Athletics at my alma mater, the University of Illinois, which is a founding member of both the Big Ten Conference and the National Collegiate Athletic Association (“NCAA”). At Illinois, I am responsible for all facets of an athletics program that supports nearly 500 student-athletes competing in 21 varsity sports, along with overseeing more than 300 full-time staff members, 20 major facilities, and an operating budget that surpassed \$170 million in FY24.

During my time, I have served in a variety of leadership and governance roles while becoming one of the longest tenured athletics directors in the Big Ten and across the Autonomy 4 conferences. Currently, I chair the NCAA Division I Council and, by virtue of

that position, also have a seat on both the NCAA Division I Board of Directors and the NCAA Board of Governors.

I am privileged to serve my alma mater, where I have earned degrees in both finance and law. While an undergraduate, I was a two-time Academic All-American football player and, later, played parts of four seasons in the National Football League. Following law school, I clerked on the United States Court of Appeals for the Seventh Circuit and briefly practiced law in Washington, D.C. Before returning to Illinois, I spent almost six years as the athletics director at two NCAA Division III institutions – Washington University in St. Louis and, prior to that, University of Wisconsin-La Crosse.

Raised near West Lafayette, Indiana, I am the son of two teachers: a mother who taught elementary school and a father who was a high school teacher and coach. I was raised with a book in one hand and a ball in the other, and those two ideals – education and athletics – have formed the contours of my life. Now two decades removed from my time as a competitive athlete, I continue to apply, each and every day, the lessons I learned through sports, such as self-discipline, work ethic, leadership, teamwork, personal accountability, humility, respect, empathy, poise under pressure, flexibility and adaptability, and competitiveness. Through the crucible of collegiate competition, hundreds of thousands of young people learn these same lessons year after year. I have dedicated my life to collegiate sports because I am a true believer in the benefits that a successful athletics program can have to its sponsoring university, to its many different stakeholders, and, most importantly, to the student-athletes themselves. Our model of

American collegiate sport is unique in the world, and it must not only be protected, but enhanced.

Despite being a product myself of our collegiate athletics system and an unabashed advocate for the continued intersection of education and sport, you will not hear me defend the outdated virtues of amateurism, a concept with an ever-evolving definition that has outlived its useful purpose. Student-athletes have long earned tangible rewards, financial and otherwise, for their participation in our collegiate programs. College athletics are defined by our student-athletes' pursuit of meaningful degrees from our country's institutions of higher education while, at the same time, seeking to distinguish themselves in their chosen athletics arena.

It is this deeply held connection between school and sport that defines the American collegiate athletics model – a model in which high-level sport is embedded within an educational setting, where participants are required to be full-time students who progress toward degrees that serve their personal, academic, and career aspirations. At many institutions and for thousands of student-athletes, sports open doors to a life-changing education that would otherwise remain closed. College sports are intended to be largely pursued by undergraduate students, with a natural cycle of graduating seniors and enrolling freshmen that creates perpetual renewal and opportunity within the system, providing a multigenerational butterfly effect to not only student-athletes but their families. It should be noted that the model of American collegiate sports also serves as the primary pipeline for Olympic development in our country, with results that are the envy of the world.

Current Changes to College Sports

Today, college sports are experiencing a period of intense change that is unlike anything in their history. No fewer than a dozen major changes either have occurred or are in the process of occurring across the landscape of college athletics, each of which offers its own list of advantages and disadvantages. An incomplete list of changes underway across college athletics includes:

- the introduction of a new name-image-likeness (“NIL”) paradigm;
- greater opportunity for, and frequency of, student-athlete mobility (the “transfer portal”);
- expansion of the College Football Playoff;
- conference realignment; and
- proliferation of sports gambling.

Any of these developments, by itself, would be the most meaningful change to college athletics in a generation; together, they represent a “big bang moment” that will forever reshape our beloved system of American sports.

These efforts to reform and modernize college athletics are in many ways overdue. The NCAA has not always moved with the desired pace or urgency to recalibrate an economic framework that was rooted in the early to mid-1900s. Nonetheless, progress made in the last 20 years is indisputable. In 2003, the NCAA created the Student-Athlete Opportunity Fund, which has provided millions of dollars in direct support to student-athletes and their families for a variety of expenses incidental to their participation in athletics. Beginning in

2015, the NCAA altered its scholarship rules to permit student-athletes to receive additional living expense stipends meant to cover each institution's full cost of attendance. In 2021, following the Supreme Court's decision in *NCAA v. Alston*, Division I schools began providing nearly \$6,000 annually to student-athletes as incentives for academic progress and graduation. Also in 2021, NCAA rules changed to allow student-athletes to monetize use of their own NIL – one of the most profound changes to college athletics rules since the adoption of athletic scholarships in 1956.

Not all changes have been monetary. NCAA rules now allow member institutions broad latitude to provide expansive student-athlete support in areas such as academic success, nutrition, mental health, and general (i.e., non-athletics) medical care. For almost a decade, Autonomy 4 institutions have offered additional protections against the reduction or cancellation of scholarships based on injury or athletic performance and have mandated medical care for at least two years following conclusion of a student-athlete's collegiate career. The NCAA has recently expanded these mandates to all of Division I and established a health insurance program to provide coverage for student-athletes at all 1,200-plus member institutions, regardless of division.

The Pending Settlement in *House v. NCAA*

The changes to date, although substantial, pale when compared to what is coming. In April, we are hoping for final judicial approval of what would be a historic settlement of three major class action lawsuits, commonly referred to as the “*House* settlement.” If approved, *House* will open the door for many student-athletes to receive a greater share of

the revenue they help generate through participation in our most high-profile sports, paid in the form of institutional licenses to use a student's NIL. For the first time in the history of college sports, schools will be able to compensate student-athletes above and beyond the value of a full cost-of-attendance scholarship, academic awards and incentives, health care, and nutritional benefits – all of which we are already providing.

Under the terms of the *House* settlement, schools will have the option, but not the requirement, to distribute to student-athletes an amount equal to 22% of the average commercial revenues (e.g., sponsorship, ticket sales, and media revenues) at approximately 70 of the nation's most highly resourced athletics programs, including ours at Illinois. In the 2025-2026 academic year, the *House* settlement's first year of anticipated implementation, that figure will be \$20.5 million per school, with built-in growth during the ensuing years. Over the first ten years contemplated by the settlement, we expect that schools, collectively, will distribute more than \$20 billion to student-athletes. In addition, student-athletes will continue to avail themselves of traditional, market-based third-party NIL opportunities.

Current Challenges

The challenge we face today is not the pace of change – as noted, these changes are overdue and are modernizing an outdated system – but, instead, is the environment in which the change is occurring. This environment is highlighted by increasingly active state legislatures and outside entities seeking to advance their own agendas. As a result, we have an expanding patchwork of state laws that are frequently being adopted to create

competitive advantage for their hometown institutions; the infusion of driven-to-win state lawmaking into college athletics has made a national competitive framework a near impossibility. At the same time, the intensifying clamor for student-athlete employment would be catastrophic for the vast majority of the NCAA's membership, most of which are not resourced at the level of Illinois and our Autonomy 4 brethren, likely resulting in thousands of lost opportunities for student-athletes.

Further complicating the environment, efforts by the NCAA, conferences, and institutions to quell these activities are greeted by litigation that challenges the right of volunteer membership organizations like the NCAA to pass and enforce rules to govern their members, all of which have chosen freely to be associated with the organization.

The NCAA, conferences, and member institutions have demonstrated a willingness to undertake a broad-based rebuilding of the college athletics ecosystem. In so doing, however, it is important that we retain the core values and basic tenets of fair play that have formed the foundation of American collegiate sports since their inception. After many decades of admitted reluctance and limited progress, our vision is now clear and our path is identified. But we lack the legal tools needed to realize the full potential of a revamped system. To preserve the American collegiate sports model that has distinguished this country and benefited millions of students, families, and communities for generations, we need help from Congress.

Need for Congressional Legislation

Specifically, we seek comprehensive bipartisan legislation that includes the substantive elements outlined below.

First, we ask your help in codifying into federal law various benefits and protections for student-athletes, many of which already exist in NCAA rules, and establishing a uniform national NIL and revenue sharing framework largely in line with what is contemplated by the *House* settlement.

Second, we request that you preempt state laws that have become an unending race to provide competitive advantages to schools in their respective jurisdictions. Such laws began by allowing student-athletes to take full advantage of NIL opportunities and have evolved to restrict the NCAA and conferences from enforcing rules. We cannot compete on a national stage with such divergent laws benefiting certain members while disadvantaging others.

Third, we seek not a blanket antitrust exemption but a safe harbor that will allow us needed flexibility to create a reasonable and enforceable regulatory framework that serves the underlying mission of the collegiate sports model. At this point, virtually all eligibility rules are under siege through judicial intervention and the misplaced lens of antitrust. As but one example, in February 2023, a judge granted a temporary restraining order to allow a men's basketball player to participate in an eighth season of competition. On the topic of transfers, any recent effort to restrict eligibility based on student-athlete movement has been soundly thwarted by the courts, which runs counter to the educational mission of our

programs and damages the experience for others on both the departing and receiving teams.

Fourth and finally, we ask you to clarify that the relationship between student-athletes and institutions is not that of an employer and employee. We wish for the focus of the relationship between a school and a student-athlete to remain rooted in education.

Through the *House* settlement and other intended changes outlined herein, we are in the process of providing substantially more benefits, financial and otherwise, for our student-athletes – to the tune of billions of dollars. Against that backdrop, characterizing student-athletes as employees is not only unnecessary but jeopardizes the ability of our institutions to support the scale and scope of changes we intend to make for their benefit.

The NCAA comprises more than 1,200 member institutions, but fewer than 6% (approximately 70 schools) reside in the Autonomy 4. Unlike the Autonomy 4, which uses sports to fill their stands and captivate national television audiences, far more schools sponsor varsity sports to recruit student-athletes to their campus, thereby driving enrollment and providing institutions with needed resources for operation. Requiring these schools to pay wages and benefits to varsity athletes would have unintended consequences, resulting in discontinued sports (or, in some cases, perhaps entire departments) and thousands of lost opportunities for displaced student-athletes.

In conclusion, it is undeniable that we stand at the most pivotal moment in the history of American collegiate sports. After years of hesitation, those within the system are now demonstrating a willingness to enact bold change, but external factors threaten the very

foundation of the model that has been cherished by this country for more than a century.

Doors opened and doors kept closed during this transformative period will determine the trajectory of college sports for generations to come. In the past, Congressional action has altered the future of college sports for the better – adopting Title IX more than 50 years ago is responsible for the surging participation, popularity, and success of American women competing in sports both domestically and internationally.

Congress now has another opportunity to dramatically impact the future of college sports by providing us the tools needed to modernize our ecosystem while protecting the foundational pillars that are central to the American collegiate sporting model – educationally based sports that offer opportunities in higher education to hundreds of thousands of young people in our country. I look forward to continuing to work with you to achieve these noble objectives.

Mr. BILIRAKIS. Thank you very much. Excellent testimony. I appreciate it very much.

And now I will recognize Coach Beamer.

Congratulations on a great season, Coach, and thanks for being here. Appreciate it.

Mr. BEAMER. Thank you very much.

Mr. BILIRAKIS. You are recognized for 5 minutes.

STATEMENT OF SHANE BEAMER

Mr. BEAMER. Appreciate you saying that.

Good morning. My name is Shane Beamer, and I am the head football coach at the University of South Carolina. It is a privilege and absolute honor to be here with you this morning to speak to you about the future of college sports.

I am going into my 26th year in coaching, and outside of my family, developing college football student-athletes has been my life's work.

As Mr. Fry alluded to, my father was the head football coach at Virginia Tech for 29 years. I myself played high school football and baseball and went on to play football at the collegiate level, competing for a football national championship alongside my father.

The experiences that I have had as both a student-athlete and a coach have fundamentally shaped me into the man that I am today.

We are at a critical crossroads in college athletics, and quite simply, we need your help. The system is long overdue change. The current situation is unsustainable. A national bipartisan Federal law will provide equal opportunity for all student-athletes to benefit from NIL and create a uniform standard to ensure we are all playing by the same rules.

I believe we can all agree that the college student-athlete experience is worth preserving. A college education is invaluable, especially given the reality that less than 2 percent of college student-athletes advance to professional sports careers.

A Federal law codifying the settlement will maintain an education-based model for college sports while ensuring the opportunity for student-athletes to earn a degree and the tools necessary to be successful in life after sports.

Action by this Congress will also provide much-needed stability essential to college sports and expand current benefits enjoyed by many student-athletes: free tuition, room and board, educational grants, academic support and tutoring, medical and mental health support, nutritional support, life skills development, superior coaching and training, and extended medical coverage.

If you don't act, college sports will be destroyed by never-ending litigation and conflicting State laws. And designating student-athletes as employees is not the right path, because an employment model will drastically reduce the number of sports a school is able to offer.

In contrast, a Federal law will guarantee the future of Olympic sports that help develop future Olympians for our country.

In sum, college sports is at an impasse, and we need your help. The stakes are high, and the future of our Nation's student-athletes will be decided in the near future.

Thank you for your time and your consideration of a topic that is personally so important to me and hundreds of thousands of student-athletes.

[The prepared statement of Mr. Beamer follows:]

HEARING BEFORE THE UNITED STATES HOUSE
COMMITTEE ON ENERGY AND COMMERCE

Tuesday, March 4, 2025

Written Testimony of Shane Beamer
Current Head Football Coach at the University of South Carolina

Good morning. My name is Shane Beamer, and I am the Head Football Coach at the University of South Carolina. It is a privilege to speak to you today about the future of college sports. I have spent the last twenty-six years coaching college football. Outside of my family, developing college football student-athletes has been my life's work.

As some of you may know, my father was the head football coach at Virginia Tech. I, myself, played high school football and baseball and went on to play football at the college level, competing for a football national championship alongside my father. The experiences that I've had as both a student-athlete and as a coach have fundamentally shaped me into the man I am today.

We are at a critical crossroads in college athletics, and quite simply, we need your help. The system is long overdue change; the current situation is unsustainable. A national, bi-partisan federal law will provide equal opportunity for all student-athletes to benefit from NIL and create a uniform standard to ensure we're all playing by the same rules.

I believe we can all agree that the college student-athlete experience is worth preserving. A college education is invaluable, especially given the reality that less than 2% percent of college student-athletes advance to professional sports careers. A federal law codifying the settlement will maintain an education-based model for college sports while ensuring the opportunity for student-athletes to earn a degree and the tools necessary to be successful in life after sports.

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educational grants, academic support and tutoring, medical and mental health support, nutrition support, life skills development, superior coaching and training, and extended medical coverage.

If you do not act, college sports will be destroyed by never-ending litigation and conflicting state laws. And designating student-athletes as employees is not the right path because an employment model will drastically reduce the number of sports a school is able to offer. In contrast, a federal law will guarantee the future of Olympic sports that help develop future Olympians.

In sum, college sport is at an impasse, and we need your help. The stakes are high, and the future of our nation's student-athletes will be decided in the near future. Thank you for your time and consideration of a topic that is personally so important to me and hundreds of thousands of student-athletes.

Mr. BILIRAKIS. Thank you very much, Coach. I appreciate it very much. I think we are going to get some consensus this year. I really do. And I know that time is of the essence. So I appreciate that very much.

I will recognize myself for 5 minutes of questioning.

Coach Beamer, the transfer portal has drastically affected college athletics, especially football, as you know, of course.

In your experience, how has the transfer portal impacted your team from a planning and competitive standpoint, but also your student-athletes' ability to get a robust education? And how do you see the new revenue-sharing model changing the current transfer portal dynamics?

Mr. BEAMER. Thank you.

We have certainly benefited from the transfer portal. I won't sit here today and say that we haven't. Now, have we lost players in the portal that we did not want to lose? Absolutely. But we have benefited from the portal, without a doubt. So it has been a benefit for us in so many ways.

There are areas of the portal that certainly can be improved. I don't necessarily like what it maybe teaches young men and women at this stage of their lives, and I don't like some of the impacts that the transfer portal has on their academic progress.

Frankly, so many male and female student-athletes when they transfer to another college, they lose academic credits potentially going from school to school, which will impact their ability to graduate, and ultimately, this is about education.

And since I have been the head football coach since spring of 2021, we have 80 young men that have graduated from our football program since I became the head coach in December of '20 from the spring semester on. So it is still about education. There are so many great things about the transfer portal, but not if it affects their opportunity to graduate and get an education.

And in regards to the new revenue-sharing model, I think it is a fantastic thing, because (1) it will provide opportunities for all student-athletes; as well, it will level the playing field, if you will, in a lot of ways; and it will allow all student-athletes to capitalize on their name, image, and likeness through revenue sharing and adding a piece of what they deserve because of what they bring to our universities.

Mr. BILIRAKIS. Thank you very much. I appreciate it.

Ms. Cole, you are a prime example of how an athlete at a nonrevenue-generating sport can successfully take advantage of NIL opportunities.

When the rules changed in 2021, what challenges did you approach when you navigated the NIL landscape? And I know if you can elaborate a little bit, because I think you covered it to a certain extent in your testimony.

Ms. COLE. Yes. Absolutely. Thank you so much, Chairman Bilirakis.

So whenever I, like, first started having to navigate the new world, the timing, as I mentioned, landed really well with my book having just published. And so I did a lot of initial negotiations on my own and kind of had my parents look over contracts and make

sure that there weren't any terms in there that I didn't want to have happen.

But after my platforms grew for over the next year, I ended up working with this agency, and they really helped me navigate the space, because it was—I mean, everyone that I interacted with, whether they were at a huge corporation or with universities, a lot of times they were asking me questions about the NIL space, because it was all so new and everyone was just trying to figure it out as we went.

So I think that was probably the biggest challenge, was just that it was so ill defined that we were all kind of trying to figure it out as we went.

Mr. BILIRAKIS. You said that an agency, you contacted an agency. Was that a collective?

Ms. COLE. No. So I have an agent that represents me in all of my NIL deals, and I got connected to them, and they already had experience working with other college athletes.

So I had a conversation with them and, like, really felt that I could trust them and then had a lot of conversations with athletes they had represented in the past and felt very comfortable working with them to represent me in all of the negotiations with companies from my NIL deals.

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

Mr. Whitman, I know I don't have a lot of time, but I want to ask this question.

Mr. Whitman, the last thing we want is for nonrevenue-generating sports to be affected by the ever-evolving NIL landscape.

How is the University of Illinois anticipating the changes, like roster limits and revenue sharing, to ensure these programs are protected? So we want to protect the Olympic sports, the gymnastics, the wrestling, what have you.

Please.

Mr. WHITMAN. Thank you, Chairman.

At Illinois we have no plans to eliminate any of our varsity sport programs. As I mentioned, we sponsor 21 sports, roughly 500 student-athletes.

In fact, we intend to invest more heavily into the experience of our student-athletes. Every one of our sports will see increased scholarship opportunities. That is one of the byproducts of the new House Settlement, is the chance to provide additional scholarships above and beyond what NCAA rules currently permit. We intend to take full advantage of that chance in each of the 21 sports that we sponsor.

We also intend to see more widespread use of NIL throughout our program, while student-athletes in more sports are receiving more NIL opportunities in the new paradigm than they do under the current NIL regime.

It is important at the University of Illinois that we continue to advance the interests of all of our sport programs. We have a very proud history across the board with our student-athletes.

Last Olympics we were really proud to see six former Illini competing on the Olympic stage, brought home two medals. And certainly that is a tradition that is unique to American college ath-

letics and one that we want to continue to champion in Champaign-Urbana.

Mr. BILIRAKIS. Thank you very much. I appreciate it.

And now I will yield to the ranking member of the subcommittee, Ms. Schakowsky, a fellow Illinoian—not me but the AD. My chief of staff is from Illinois as well.

But anyway, I yield back. I yield the time to the ranking member.

You are recognized.

Ms. SCHAKOWSKY. Thank you.

I wanted to ask a question of Mr. Falcinelli.

Is that kind of right?

Mr. FALCINELLI. Yes.

Ms. SCHAKOWSKY. OK. The way I said it.

And very proud to be an alum of the University of Illinois as well.

I wanted to ask you, we are talking about what sports needs and how we can make it safer and better. But I wanted to follow up on what I asked in the beginning and Congresswoman Kelly mentioned as well, the fact that there are cuts in the amount of money that is going to universities.

And I am wondering if you have thought about that and how that will impact what we are thinking about today, making sure that there is——

Mr. FALCINELLI. Yes. So I know my alma mater, Clemson, would be looking at a pretty large hit. Clemson is a pretty renowned research university. So they had \$25 million in funding in 2024 from NIH. So that would be a pretty impactful hit to their wallet at the same time that they are dealing with the outcomes of the House Settlement.

And even for little old Clemson, which has \$150 million a year in athletics revenue, they are trying to reconcile a lot right now. And for schools without the good fortune to have that sizeable athletics budget, we believe for all levels of play that collective bargaining is the answer for them to find the solution that is going to best fit their fiscal realities.

The House Settlement clearly lays out that any collective bargaining agreement negotiated with the athletes can ignore the rules set forth by the settlement. So to any institutions out there that are concerned with all of the NIH cuts as well as the impacts of the House Settlement, we ask you to negotiate with your athletes and work out the situation that best fits you.

Ms. SCHAKOWSKY. Are you concerned, though, that there is going to be enough money to really have robust student-athletes if money is really taken off of the universities?

Mr. FALCINELLI. Oh, absolutely. And potentially the universities could look into using athletic revenues to help compensate for some of these losses in research funding. And that is something you would be able to negotiate through collective bargaining.

Athletes understand and often take part in majors that are doing this research. It would be important to them to be able to continue to do so, and I am sure we would love to see that on the negotiating table.

Ms. SCHAKOWSKY. What do you think is the most important thing that is important for student-athletes in terms of reform?

Mr. FALCINELLI. Yes, as I said in my testimony, something near and dear to me is health and safety. Athletes are often afraid to speak out on the issue because they are beholden to the will of their coaches, their university, and can risk their playing time, their pro careers, their scholarships, their medical care, their potential future in the sport if they want to go on to coach. Your most likely avenue to do so is at the institution you played at.

And so in these issues, where trainers are pushing players back to play too soon or being dishonest about the severity of your injury, you have no one to turn to to advocate for you to help push the team doctor to get you the MRI that you need to diagnose your injury. Players are without representation.

And this is why we so strongly believe in the need for independent players associations where players can have a rep who is not subject to the extreme pressures of college athletics, who is there solely for their best interest, that can represent them and enforce the rules that are negotiated in a CBA and hold institutions accountable.

Ms. SCHAKOWSKY. Well, I think it is very important.

Are you present on campus in your work?

Mr. FALCINELLI. We are present at institutions around the country and are actively doing on-the-ground organizing.

Ms. SCHAKOWSKY. OK. Thank you very much. And I yield back.

Mr. BILIRAKIS. The gentlelady yields back.

I now recognize the chairman of the full committee, Mr. Guthrie. And I appreciate you making this a priority.

Mr. GUTHRIE. Well, thank you. We need to make it a priority because we have got a lot of work to do.

Mr. BILIRAKIS. Yes, absolutely.

Mr. GUTHRIE. And I appreciate it.

I guess, getting to my colleague's previous question that said will cuts to NIH and overhead going to universities. And I think you quoted a number coming from Clemson. I think you all prepared for this meeting being an NIH meeting instead of NIL. But will that hurt athletics?

I think that if we are sending money to NIH and the overhead is going to universities and somehow getting to athletics, if that is what the nature of that question was, then we absolutely should be taking a look at this.

Now, Harvard has a \$50 billion endowment, gets 70 percent facilities and administration of some of the grants. I mean, we should want grants to go to saving childhood cancer, childhood—all these other things that are moving forward. And hopefully some of the overhead is not going—I hope you didn't intend that to say this is going to our athletes in sports, because that absolutely shouldn't be.

So, Mr. Beamer, the answer to the question just before, Coach, players being put into precarious positions when they are injured. Do you—or do you know of any of your colleagues that have ever—I know you love your players—have you ever looked at a player—I think you probably sometimes try to prevent players from going

into the field. Do you know of any instance where a coach knowingly puts a player in a bad position?

Mr. BEAMER. First of all, thank you for your comments earlier as well. And before my dad was the head football coach at Virginia Tech, he was a Murray State Racer. So you say "Go, Hilltoppers," and I say "Go, Racers."

Mr. GUTHRIE. I know. We love the Racers too.

Mr. BEAMER. Right back at you.

No, sir, I do not. I can't speak for other programs that I haven't been a part of. But I can say as the head football coach at the University of South Carolina, I truly love and care for the players that I coach, to the point where I haven't let guys go back and play when they have been cleared by a trainer in some instances.

I have never once directed our trainer to put a player out there before he is ready to play. When the trainers say he is cleared and ready, we put him back out there. And again, I can't speak for the schools, but not to my knowledge.

Mr. GUTHRIE. Well, thanks.

So being fans of all conferences, Kentucky has ACC and SEC schools and others, as we just mentioned, in the great traditions of college football.

Coach, how do we find the balance between preserving what we know college football to be, but also allowing our athletes to have the opportunity to earn money with their name, image, and likeness?

Mr. BEAMER. Absolutely. I think everyone in here can agree that sports bring both sides together and unites both sides as well. And I believe that we are all passionate about that as well.

And certainly every player on our team would tell you that I am an advocate for them being able to maximize and capitalize on every opportunity they have as student-athletes at the University of South Carolina.

We are in the capital city of South Carolina, where we are the only show in town in the city of Columbia. So we have a great following that presents so many opportunities for all of our student-athletes, not just football, but women's basketball with Dawn Staley and on and on and on.

So there are fantastic opportunities for our student-athletes to be able to capitalize on their name, image, and likeness. But at the same time, education has still got to be at the forefront, without a doubt, where all of our student-athletes leave the University of South Carolina with a degree.

I mentioned in my opening statement the number of student-athletes that go on to play pro sports. And that is critical for us going forward.

I will use the example of LaNorris Sellers. He is our starting quarterback. He will be a Heisman Trophy candidate next season. He will have an opportunity to play in the NFL. He is currently compensated very well from a name, image, and likeness standpoint.

But on his own, he has already reached out to companies in the city of Columbia about doing a summer internship with them, unbeknownst to me. But here is a young man that understands that football is not going to last forever and wants to do everything in

his power to take advantage of the educational experience in Columbia also.

Mr. GUTHRIE. OK. Thank you. Thanks, Coach.

So, Mr. Egbo, my cousin went to Abilene Christian.

So what are your thoughts? I know now it is going to be revenue shares. Schools are going to help create the collective. We are probably going to have to have some exemption if they are not going to be employees to say that, because obviously if you are getting paid from the gate.

So what is your view of the employee relationship with the university versus being a student at the university?

Mr. EGBO. Thank you for that question.

I think it is a question that is really at the heart of a lot of student-athletes' minds right now. Being at an institution and an FCS football institution like my own—how do I say this? It is hard to fathom how that would look at an institution like ours.

Speaking specifically to the coach-player relationship, an employer-employee relationship, those that play ball know that inherently a coach is a role model, they are a mentor, they are somebody that invests. That is not inherently what an employer is.

An employer is more focused on performance. A coach inherently is somebody that you look up to, somebody that can pour into you, somebody that can help you become the best 35-year-old version of yourself.

And so at the core of it, that is what sports is also doing, it is molding young men and women to be future leaders, to be the best fathers, husbands, wives, future leaders in this country. And I think that is in principle what has an opportunity to be shaken, is that foundation, with an employer-employee relationship.

Besides that, it is just not sustainable from a university standpoint. And I have done a lot of work as far as engaging in conversation about this specifically. I have had a multitude of conversations with my president and different university administration on, hey, what would this look like for institutions like ours? And it is just not sustainable besides the principle.

Mr. GUTHRIE. My time is up. I have gone over my time. So I appreciate that. I appreciate your answer.

I yield back.

Mr. BILIRAKIS. Thank you very much. The gentleman yields back.

I will now recognize my friend from the great State of Florida, a fellow Floridian, but we didn't go to the same school.

Sorry you didn't go to Florida, Kathy.

Kathy Castor, you are recognized.

Ms. CASTOR. Well, thank you, Mr. Chairman.

There is nothing like college sports. It is beloved in America. It builds cohesion among the community and alumni and students and great pride in your institution. You admire the skill of all the student-athletes and then the care and concern of the coaches and support staff.

But it is also big business. I think right now college sports generates over \$18 billion all told. But it wasn't until that 2021 U.S. Supreme Court case where they granted student-athletes the rights to their own name, image, and likeness.

So this is still new, and the courts, universities, athletes, and Congress are really trying to figure out how to navigate the landscape.

So this hearing comes as we await another court decision on the multibillion-dollar settlement between the NCAA, the Power 5 conferences, and the student-athletes. And that settlement is going to resolve multiple lawsuits and better set the rules of the game going forward.

And, Chair Bilirakis, I know that you care, and you have been talking to me and other Members about trying to bring some guardrails. And I am interested in working with you on that.

But I just do not think we can ignore the bigger picture right now of what is happening in higher education with the illegal shutdown of Federal funds, grant moneys that flow to students and educators, the wrench thrown into research at higher ed institutions by Elon Musk at the direction of the President.

I fear for the fallout for all students and at the University of Florida and at the University of South Florida and at FSU and at UCF, research funding, and then the slashing of student aid, of student financial aid.

I think we are going to be in a quandary here. And I just couldn't let this moment pass without speaking up about this.

NIL is very important, but there is a bigger picture here, and it goes right to the heart of the economic security of all students and all of our institutions of higher learning.

That said, Ms. Cole, I am so impressed with your pathway in life. You were a student at one of the Nation's top research universities. And yes, they are crying out about the NIH and scientific funding quandary.

But let's put this in context. Can you discuss your research experience and that of you and your classmates that you were able to have at the collegiate level and what that has done for your professional growth?

Ms. COLE. Yes, absolutely. Thank you so much for the question, Congresswoman.

Honestly, I did do some research with the more lower-level education communities in North Carolina hoping to provide more culturally relevant curriculum within computer science. So I know how important it is, I have witnessed how important it is.

But I am prepared here to speak on the future of NIL in college athletics, so—

Ms. CASTOR. OK. Then let me ask you more about that.

But let me say, the folks in the Research Triangle in North Carolina and at all the research institutions and at colleges large and small, are crying out for help.

And, fortunately, the courts have weighed in on these illegal shutdowns of Federal funding, and we brace ourselves for the Republican budget that is going to come and really take a hatchet to student financial aid and Pell grants.

But back on this topic.

I am very concerned with Title IX and what NIL is doing to build inequities. We have worked so hard over the years to ensure there is equity between female and male athletes.

You said that you really see this as an opportunity for students when it comes to the nonrevenue sports, small colleges, Olympic sports. But what is the solution when it comes to parity between men and women?

Ms. COLE. I mean, obviously, parity between men's and women's sports is paramount. And seeing the exponential growth that has happened, especially in the past year—I mean, having the national women's basketball game have more viewership than the men's, and then finally achieving gender parity in the Olympics. I think it is extremely important. But I am not able to speak on the actual implementation of the laws of how that has happened.

Ms. CASTOR. OK. So that is up to us, Mr. Chairman, to ensure that NIL doesn't warp all of the hard work that we have made to build opportunities for men and women alike in sports.

I yield back. Thank you very much.

Mr. BILIRAKIS. Thank you so very much.

And now I will recognize the vice chairman of the full committee. And you are uniquely qualified to ask these questions being from Boise State. You are recognized for 5 minutes.

Mr. FULCHER. Thank you very much, Mr. Chairman. I appreciate the tie Mr. Whitman has on. It is Boise State Bronco colors. We are glad to see that. But also Florida colors, if I have got that right, and probably Illinois is in there somewhere, I am guessing.

Mr. WHITMAN. Probably.

Mr. FULCHER. Yes. OK.

Question for Mr. Egbo. As mentioned, I am a Boise State University alum. They are in my district, as well as the University of Idaho, Idaho State University. But they in the football and basketball arena have been very competitive, but they are not of the same size and scope of the large schools. And so I would like to get your take on this.

Under the House case, the revenue sharing cap is up to \$20.5 million. Well, that is more than the entire budget for Boise State or University of Idaho or Idaho State or, I am assuming, Abilene Christian University.

And so just in terms of scope, how is this going to work? Is this going to be—can this be fairly applied? Can the smaller schools maintain their competitiveness with the larger schools under this revenue share cap system?

Mr. EGBO. If I could get this answer right, I will probably get a raise from my AD.

But I think the first thing is having clear rules. I think the first step is leveling the playing field as far as what is permissible, what is not, what is the standard, everybody being on the same page, so that schools like the schools you mentioned and our school can sit down and say, "OK, this is the standard across the board, and this is what we can kind of build and strategize for how we can compete in this new age."

But I think with the gray areas that are implemented right now, it is very hard to start that strategic process.

Mr. FULCHER. Thank you, Mr. Egbo.

And, Mr. Beamer, I would like to go to you. If you have a comment on that, I would ask for your comment on that same question.

But I would also like to follow up. I am going to give you a two-part here and let you run.

Realizing that the objective of NIL is to recognize rewards from the student-athletes for their contributions, do you see unintended consequences? And if so, what bothers you the most about possible unintended consequences of what we are trying to do?

Mr. BEAMER. Thank you for the question.

I think NIL, as it was initially implemented in 2021, the way it is meant to be, I think, is very good. I think in a lot of ways what name, image, and likeness has turned into in so many situations is pay-for-play, and that is very much because of the fact that it is not as regulated, in my mind, as it should be.

There is an issue of agents in the NIL world. That is another issue in regards to how it is regulated and is everything on the up-and-up. That is an unintended consequence that I think has come certainly from NIL, without a doubt.

Mr. FULCHER. Thank you for that.

I would like to go to Mr. Whitman. I have just got about a little over a minute left.

But I would like to talk with you and get your feedback on Federal preemptive standards. I have heard from the Idaho schools the concerns over enforcement burdens when it comes to the patchwork of some of the State and DC NIL laws and the need for Federal preemption.

Without Federal preemptive standards, I could see a situation arising where State law conflicts with the terms of the settlement, which is still pending approval. But how would an institution have to adjust its strategy if this was the case?

Mr. WHITMAN. Thank you for the question.

I think you are thinking about it exactly right. There is that possibility, where States will pass legislation that conflicts with the terms of the settlement in an effort to create competitive advantage.

And again, that is what we have started to see with more frequency across the country, is a race for States to find ways to give their hometown schools an edge.

We have seen that in States like Missouri and Arkansas, where they now allow NIL payments to high school athletes who have signed letters of intent to compete at in-State institutions.

We have seen it at States where they have offered State tax breaks for student-athlete NIL income.

We have seen it in certain States where they have provided caps on how much money agents can make from student-athletes, which then disincentivizes the best agents from working in those States.

And ultimately what we are here to discuss is the role that Congress can play in trying to create that level playing field and avoid putting schools in situations where they have to choose between complying with a Federal court order and ultimately with State law.

And we understand that in this environment that conflict can arise, and ultimately only one body has the power and the authority to solve that for us, and that is Congress.

Mr. FULCHER. Thank you, Mr. Chairman. I do have some followup questions. I will do that in writing.

Thank you for the time. I yield back.

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

Mr. Soto, you are recognized for 5 minutes.

Mr. SOTO. Thank you, Mr. Chairman.

Coming from Florida, college football is about as popular as sunshine and low taxes, right? At the risk of alienating you a little bit, Mr. Chairman, I am going to start out with an FSU story.

Mr. BILIRAKIS. So you recognize that Florida is the Free State. Is that correct?

Mr. SOTO. Absolutely.

So when I was in the State senate, FSU was heading towards a college championship, and a shocking story had happened. Jameis Winston, who was on his way to become a Heisman Trophy winner and lead his team to the championship, was accused and arrested of a small theft. And people thought: How could this possibly be happening?

When you look further into it, you see this huge gap that happened back in the day between some of these star athletes versus the schools and the boosters and even a lot of the students.

And that is one thing that name, image, and likeness has helped balance out a little bit. We don't see some of these student-athletes living in poverty while they are helping entertain millions of people. Of course, that is not uniform throughout, and we know that.

I am proud to represent Central Florida. Go, Knights. Space U. We are going to work on the football program a little more, Mr. Chairman, much like UF. We are all working on that stuff.

But we see big programs getting bigger right now and smaller programs struggling, and that is a concern. More popular sports like football, men's and women's basketball are surging in national popularity and in resources. But other, lesser-known sports are suffering, and we need to recognize that.

We are also home to EA Sports, which every college football player in the Nation signed up and got a compensation for being able to lend their likeness. So that is something that we are really proud of in our area.

But as was mentioned, we need rules of the road. We have had many hearings, but no bill passed into law just yet. And so we have work to do—financial literacy, making sure that our student-athletes have representation, safeguarding all NCAA sports, and potentially an independent players association.

Mr. Falcinelli, where do you think we need to go next on it? Is it a player vote? Is it an NCAA vote? Do we need a law on this? Where do you hope to go with this next?

Mr. FALCINELLI. Yes. The future we see for college athletics and for college football is a world in which we are not reliant upon a court ruling or legislation to really set what is going to happen next, but a world in which the athletes themselves are empowered to negotiate to shape their own futures.

We firmly believe that that can be done through collective bargaining. And whether they are employees or not, we believe it is collective bargaining that is what matters. If athletes were made employees tomorrow, they would still face many of the same issues they are facing now and many more.

And not until they are organized and represented by independent players associations will they be able to actually enact the health and safety regulations they need or engage in further revenue sharing and getting good deals on revenue sharing.

I would like to point out the EA deal for the NCAA video game is one of the only group licensing deals in sports to ever be signed where the athletes had no revenue share on the royalties from it and were just given a \$600 fee for one time for their appearance in the game or every year they re-up, but their name, image, and likeness is already guaranteed to be used whether they re-up or not for the rest of their eligibility.

And that game has gone on to probably cross over \$700 million in revenue this year. It was the top-selling sports video game of all time. And athletes have not been able to share in any of that revenue share.

Mr. SOTO. Well, we certainly believe in collective bargaining.

I also want to turn to NIH briefly—we have been talking about NIH—the National Institutes of Health.

Student health is paramount. We have seen in Florida the chairman's own university created Gatorade because it is super-hot to practice in Florida.

We actually make Gatorade in the district, Mr. Chairman. I am sure you are happy about that.

But we have seen student-athletes pass away after conditioning, including, unfortunately, at our home university at UCF back in 2008. A lot of progress has been made since then, both there and in many other areas.

And one of the NIH grants that UCF has is looking at digestive and kidney research. One of the biggest issues we see is dehydration. And then, even if it doesn't happen at the time of a student-athlete, that dehydration can affect them going forward as they get older.

Mr. Falcinelli, how important is it for us to continue to look at hydration for student-athletes and have these NIH grants that are so important?

Mr. FALCINELLI. Oh, it is absolutely important. As Ms. Cole testified to today, there can be traumatic effects with stuff that surrounds that.

And as a former football player, hydration, brain damage, thousands of subconcussive blows every year for 5 years straight, the research being done into health and safety and the issues that we are still trying to understand, like CTE, is incredibly important.

And these are things that we as athletes are going to carry forward for the rest of our lives. So whether or not we have the time to enroll on a STEM major and help be part of doing this research, we are going to be feeling the impacts of this loss for a long time.

As many of us can attest to—who are former athletes—after your career is done, your injuries are still there. You still wake up with pains—your knees, your back, your joints, your shoulders—that stay with you for life. So continuing to do important medical research is something that impacts all athletes.

Mr. SOTO. And we will be fighting this Trump administration freeze and unlawful restrictions to make sure we can continue to prioritize athlete health.

And I yield back.

Mr. BILIRAKIS. Thank you very much.

Speaking of Gatorade, Dr. Cade invented Gatorade in the late '60s at the University of Florida. And my mother, Evelyn Bilirakis, was a TA for Dr. Cade.

So I am sorry, Yes, I just thought that that had to be said.

We have Representative Harshbarger from the great State of Tennessee, a Tennessee Vol. And she represents—she knows I am going to say this—she represents the hometown—

Mrs. HARSHBARGER. I am just saying.

Mr. BILIRAKIS [continuing]. Of my favorite all-time coach, Steve Spurrier.

Mrs. HARSHBARGER. Yes.

Mr. BILIRAKIS. So you are recognized for 5 minutes.

Mrs. HARSHBARGER. He is a traitor, just so you know.

Anyway, thank you, Mr. Chairman and Ranking Member.

Thank you to the witnesses for being here today.

I have got a lot of worries about this NIL. And I have two grandsons coming up. They love football, basketball, the whole 9 yards.

I worry about the number of times they can go through the portal. I worry about the agents and the collectives.

Is there a standardization? Do they need to have some type of accreditation? And I worry about no limit on outside money.

But I guess my first question, we are going to talk to Mr. Egbo, because you are a Wildcat. And I went to high school, I was a Wildcat. And once a Wildcat, always a Wildcat. Just so you know.

In your opinion, how many times can a student-athlete transfer without expecting shortfalls to their educational attainment? Would it be once, twice, five times, eight times, in your opinion?

Mr. EGBO. Yes. I don't know if I have that answer. Actually I do know that I don't have that answer.

But I do think that every student-athlete is different at the stage that they enter into the portal. Some are grad students that have earned their degree already and are looking for a new opportunity. And others are 18-, 19-year-old kids that are for whatever case entering the portal.

So I just do think that there are different situations and circumstances. But I don't know the answer to that.

Mrs. HARSHBARGER. I know. We are trying to figure that out.

I guess my followup to you is, Does transferring during the semester affect a student-athlete's academic success?

Mr. EGBO. I mean, without question, in my opinion. I don't think that it is hard to see that a midsemester transfer is very disruptive to the educational principles that Coach Beamer mentioned before.

At the end of the day, education is at the forefront and at the foundation of what we are trying to do.

Mrs. HARSHBARGER. Absolutely.

Mr. EGBO. So protecting that is important.

Mrs. HARSHBARGER. I agree.

This goes to Coach Beamer.

If other schools follow the dynamic approach to NIL that schools in the SEC have, where do you think college football will be in 5 years?

Mr. BEAMER. Well, if there is a national standard in regards to the legislation, but also with revenue sharing coming in with the optimism of the settlement next month, to me it will level the playing field for programs across the country if we are all playing by the same rules, if we have the legislation and enforcement to back that.

Mrs. HARSHBARGER. Thank you.

Mr. Whitman, this will go to you and Coach Beamer. Should university revenue sharing include performance-based bonuses? Like, say, in Mr. Beamer's case you have got a quarterback that throws 3,000 yards and you beat Clemson. Should he get a bonus?

You start, Mr. Whitman, and then we will go back to Coach Beamer.

Mr. WHITMAN. It is an interesting question.

I think it is important to remember under the terms of the settlement the payments to our student-athletes will come in the form of NIL licenses. And so the idea of being in the performance bonus context—that the better a student-athlete performs, then the more valuable their NIL license becomes for the use by the institution or by the athletics program.

And so we certainly are contemplating a system that would permit performance bonuses. I think a different question is how those are ultimately accounted for in terms of the cap structure that is being developed. But ultimately, we think performance bonuses have a place. Whether institutions ultimately choose to use them or not is a different question.

I think one of the intentions of this process is to allow each school a lot of autonomy to determine for itself how best to structure its contracts and its relationships with its student-athletes to make their institution as appealing as possible to potential student-athletes.

Mrs. HARSHBARGER. Great.

Mr. BEAMER. Which I would agree with Mr. Whitman. In fact, that is a conversation that I literally just had yesterday morning with Dawn Staley, our women's basketball coach at South Carolina, in regards to bonuses. And yes, ma'am, if a player for us plays his tail off against Clemson and allows us to win, yes, absolutely.

Mrs. HARSHBARGER. Sorry, young man. I knew he was going to say that.

Mr. BEAMER. He got the first dig in.

Mrs. HARSHBARGER. Yes, exactly. All right.

This goes to Coach Beamer and Mr. Whitman.

How should student-athletes' fair market value be generated? I know you are speechless.

Mr. WHITMAN. It is a really important question. And certainly we are champions of our student-athletes' NIL rights. It is important that we look for ways to separate through market-based, arm's-length transactions that support our student-athletes in their legitimate NIL interests from the synthetic, artificial, competitive-based NIL opportunities that have been created over the last handful of years.

And so we certainly don't have an interest in micromanaging those opportunities for our student-athletes. In fact, we want to

continue to try and help facilitate and create those in the ways that are permitted under the most recent changes to NCAA rules.

But it is important that we do try and create some system to monitor that to create some level of transparency. Our student-athletes want that transparency. Those working within our system want that transparency.

And ultimately, we also know that this isn't going to be a perfect system at the outset, and we will continue to evaluate it and improve upon it. But we feel confident that here at the beginning, as we develop a clearinghouse with a partner like Deloitte, a very reputable firm, that we will be in a strong position to make those assessments.

Mr. BEAMER. And I would agree the fair market value of range of compensation, there is no cap on that. I want to be clear that we are all for our student-athletes being able to make as much as they possibly can in legitimate NIL outside income. But what we need is transparency and a clearinghouse, like we are saying, that will give us the teeth in that.

Mrs. HARSHBARGER. OK, very good.

Mr. BILIRAKIS. And we want to take into consideration that some of the players, such as the offensive linemen—we have a Senator—I mean, we have maybe a future Senator—but a center right here—that they also be compensated as well fairly, even though they don't get the recognition they deserve.

Mrs. HARSHBARGER. Yes, really. I love the offensive line, just FYI. All right.

Mr. BILIRAKIS. They spell relief.

Mrs. HARSHBARGER. I yield back.

Mr. BILIRAKIS. OK, I—Representative Trahan.

Mrs. TRAHAN. Well, thank you, Mr. Chairman.

And thank you for our witnesses here today, especially our players.

The state of college athletics, while imperfect, is better today than it was 4 years ago. Now, it may not be better for the people who have historically benefited from the guise of amateurism, but it is certainly better for athletes, and those are the folks who have always created the value in this industry.

But while I celebrate the progress, I remain concerned about the inequities that persist in college athletics. And with respect to NIL, I worry that universities' plan to finally share revenue directly with athletes could again shortchange women at a time when women's sports are seeing a massive surge in popularity.

Mr. WHITMAN, are you aware of the tentative agreement in the House v. NCAA lawsuit that will require the NCAA to pay out nearly \$2.8 billion in damages to current and former athletes dating back to 2016, with 75 percent going to football players, 15 percent for men's basketball players, 5 percent for women basketball players, and 5 percent for all other athletes?

Mr. WHITMAN. I am aware, yes.

Mrs. TRAHAN. I figured. And great. I wouldn't expect any other answer.

You must also be familiar with the filing in that case by Barbara Osborne, an independent Title IX specialist with extensive experi-

ence auditing collegiate institutions, who studied the House Settlement terms.

If the lopsided terms of the House Settlement were used in an institution, Ms. Osborne claimed she would have advised the institution that they were violating Title IX.

Mr. Chairman, I ask unanimous consent to enter Ms. Osborne's report on the gender inequities present in the House Settlement revenue model into the record.

Mr. BILIRAKIS. Without objection.

[The information appears at the conclusion of the hearing.¹]

Mrs. TRAHAN. Thank you.

Mr. Whitman, you advocate that Congress codify a revenue-sharing framework that is—and I am quoting here from your testimony—“largely in line with what is contemplated by the House Settlement.”

Your testimony comes amid reports that Power 5 schools, like the University of Georgia, are already planning to use those same thresholds in their future revenue-sharing model scheduled to take effect later this year.

Mr. Whitman, can you understand why many current and former women athletes, like myself, are alarmed that NCAA institutions and leaders are adopting a revenue-sharing model that only gives women at most 10 percent?

Mr. WHITMAN. Thank you for the question, Congresswoman.

This is an issue that has weighed heavily on our campuses as we have tried to evaluate how to apply an old—50-year-old law to a new set of facts that weren't contemplated when that law was passed.

And we have worked very earnestly to consult with a variety of different counsel to gain some clarity on that issue. And all that we have learned through those conversations is there seems to be some lack of consensus around exactly how that law will apply to these new opportunities that we can make available to our student-athletes.

What we know is that we are seeing an explosion in popularity in women's sports. We know that people who work in college athletics remain very strong champions of advancement amongst our women's teams. But we also see that we are faced with some really challenging balancing of equities in a case like this one.

If we were to apply Title IX in the sense of the traditional financial aid balancing proportionality, we would potentially be diverting money away from the athletes who generate that revenue, many of whom are student-athletes of color, many of whom come from underprivileged backgrounds.

On the flip side, we understand that if we were to maintain those revenues with the student-athletes who generate it, we wouldn't be potentially passing as much of it along to our female student-athletes.

And so it creates a really challenging dynamic for us to navigate on campus. What we know——

¹The report has been retained in committee files and is included in the Documents for the Record at <https://docs.house.gov/meetings/IF/IF17/20250304/117989/HHRG-119-IF17-20250304-SD003.pdf>.

Mrs. TRAHAN. Which is why I asked that question, because as you are aware in your role as director of athletics, Title IX requires that if a school awards financial assistance to athletes, they must, quote, “provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics,” end quote.

Surely the model that Georgia and other schools plan to use cannot comply with Title IX.

Mr. WHITMAN. We don’t think that has been identified or established. We think there is a lack of clarity around how Title IX will apply to these new payments.

We currently comply with Title IX. We are required to comply with Title IX. We have every intentions of continuing to comply with Title IX.

Mrs. TRAHAN. Well, at a time when women haven’t seen their fair market value because they have never had the benefit of promotion or boosting, at a time when women’s fandom of college sports is surging, I would hope that we would not base forward-looking and forward-looking frameworks for how we are going to distribute those revenues based on a model where women were shortchanged.

So I thank you for the extra time, Mr. Chairman, and I yield back.

Mr. BILIRAKIS. The gentlelady yields back.

Mr. WHITMAN. If I could just for one final statement to that: It is important to note that at the University of Illinois our women student-athletes will receive far more benefits in the new paradigm than they have in the previous, and that includes scholarships, that includes NIL payments, it includes a number of different benefits that will now be made available by virtue of the settlement. And so that—it is an important note to make.

Mr. BILIRAKIS. Thank you. Thank you. The gentlelady yields back.

Now I will recognize Mr. Obernolte for your 5 minutes of questioning.

Mr. OBERNOLTE. Thank you, Mr. Chairman.

And thank you to our witnesses.

This hearing is on a topic that is very important and deeply personal to me. A little-known fact: I was a student-athlete many years ago. When I was in college I played on the Cal Tech football team—go, Beavers—when there was a Cal Tech football team. And given the high quality and caliber of student-athletes at our witness table, you would probably argue that doesn’t count, and maybe it doesn’t.

But then later in my life I got into video game development. And my company did the development of NCAA college football for EA Sports for a couple of years in 1998 and 1999. And I remember vividly having the argument of, like, why can’t we use the student-athletes’ names in the game? They told us that we could use your number, we could use your stats, we would make a player that looked vaguely like you but not too much like you.

And I remember vividly saying this is completely stupid because everybody loses. The student-athletes lose because they are not al-

lowed to get compensated. We as game designers lose because we are not allowed to design a game around the athletes, as we wanted to. The players of the game lose because they are not allowed to see the players that they love and recognize in the games that they bought.

So we have an opportunity here to create a system where everybody wins, where student-athletes are allowed to play the game and the sports that they love, where colleges are allowed to benefit from having these sports, where millions of fans around the country are allowed to participate in these sports and root their teams on.

So I guess my message is let's not mess it up, because we need to create a system here where everybody wins. And if we create a system where someone loses, then we are not doing our jobs right.

So one of the kind of recurring themes that has been in today's testimony has been around this question of whether or not student-athletes are employees. And I think it is really interesting because it fits into a larger debate that we are having here in Congress about whether or not when someone says, "Look, I don't want to be an employee," and an entity says, "I don't want to be an employer," does the Federal Government have the right to step in and say, "You both lose, you are going to be employee and employer"?

And I think it is particularly compelling that I have heard our student-athletes say loud and clear today that they don't want to be treated as employees.

So, Ms. Cole, I know in your testimony you said that classifying athletes as employees is not the right answer. Can you talk a little bit about why you feel that way?

Ms. COLE. Yes, absolutely. Thank you so much for your question, Congressman.

I mainly, as I touched on in my testimony, am just focused on continuing to promote and grow the equity with Olympic and women's sports as well, and I do believe that the employment model could make that extremely difficult.

Mr. OBERNOLTE. Mr. Whitman, you had said in your testimony that one of the things that you would like Congress to do is to clarify that the relationship between school and students is not that of employer and employee. Why do you think that that is not the right model?

Mr. WHITMAN. I think it is not the right model on a number of different levels.

First and foremost, from the perspective of the student-athletes, I think it creates very real questions around the taxability of some of the benefits that they are already receiving as part of our system.

I think it ultimately could result in less freedom for them in terms of the mobility to move from one school to the next.

I think it ultimately could create less protections, I think, in terms of their status on the team, the opportunity to be cut or fired if they are not performing at a certain level.

And ultimately, as we have heard from several witnesses today, the opportunity to lose roster spots across all of college athletics as a result of forcing schools to support this compensation.

And importantly, they don't want to be employees. I have had the privilege in the last 15 years of my career to work every day with student-athletes. I take a lot of pride in having a great relationship with them, of having an understanding of their experience on our campus and what we can do to improve upon it.

Not once have I had a student-athlete come to me and say, "Mr. Whitman, I would really like to be an employee of this institution."

I think we are developing a model through the House Settlement that allows us to address many of their concerns. We are putting us in a position to provide them with additional compensation.

We are in a position now to offer them more scholarships. We are doing things at the University of Illinois like providing continuing education after they have broken time with the university, if they want to come back and complete their degrees.

We offer enhanced medical care where our student-athletes are actually the beneficiaries of what I would call concierge medical service. They receive 24/7 care from independent medical authorities who provide care to our student-athletes independent of any oversight or supervision from coaches or administrators.

And ultimately, they want a greater voice. And I think that we are looking for ways to develop that through SAAC, through some of the opportunities that we have given student-athletes to provide feedback on our campus, whether that is in the form of exit surveys, end-of-the-season interviews, and more informal conversations with administrators who are embedded with their programs.

Ultimately, our student-athletes are the beneficiaries of a very robust system and opportunity. That system continues to need tweaking. But ultimately, designating them as employees is not that answer.

Mr. OBERNOLTE. Thank you, everyone, for your testimony.

And I just in conclusion want to reinforce I think that there is a win-win-win here. And I am hoping that Congress can work together with the NCAA and the schools and the athletes to make that happen.

I yield back.

Mr. BILIRAKIS. I agree. Thank you. The gentleman yields back.

Now we have Ms. Clarke from the great State of New York. You are recognized for your 5 minutes of questioning.

Ms. CLARKE. Thank you. And good afternoon, Chairman Bilirakis, Ranking Member Schakowsky. And thank you to our panel of witnesses for joining us today.

The NCAA's decision in 2021 to finally allow college athletes to capitalize on the value of their name, image, and likeness in the open market was undoubtedly correct and also long overdue.

For years, the NCAA was content to rake in profits from the multibillion-dollar business of college sports while hiding behind the inherently flawed and totally made-up concept of amateurism as justification for maintaining an unpaid labor force primarily comprised of Black and Brown student-athletes.

Now that the college athletes have the ability to pursue their true worth on the open market as a result of public pressure, court decisions, and State-level action which forced the NCAA's hand, we are expected to believe that college sports is in a crisis and on the

verge of collapse simply because the jobs of highly paid coaches and administrators have become slightly more difficult. I don't buy it.

Ending the legalized exploitation of an unpaid labor force is an inherent good and one we should not seek to put unnecessary restraints on.

If we want to talk about protecting college athletes, let's do that. Let's talk about meeting the long-term healthcare needs of former college athletes who have suffered grievous injuries on the fields of play. Let's talk about guaranteed scholarships for 4 years.

Let's talk about the quality of education these young people receive when the sport they participate in requires time commitments tantamount to full-time jobs and requires more travel than almost any other job.

Let's talk about the revenue sharing or the multibillion-dollar contracts that the NCAA and Power 4 conferences earn on the backs of these young people who are overwhelmingly students of color in the revenue-generating sports.

We could even talk about the role of agents and their brokers in the new NIL landscape or the attempts to artificially cap the amount a student-athlete can earn in revenue sharing and NIL deals.

But let's not pretend that a young person's ability to be compensated for the use of their own name, image, and likeness is some kind of crisis in need of an urgent congressional action when there are far more pressing issues this committee could take up.

In fact, if we really want to dive into the core issues facing college sports, in addition to hearing from today's panelists we need to hear directly from the power players involved in the business of college sports: the NCAA; the College Football Playoff and the commissioners of the Power 4 conferences, particularly the Southeastern Conference, the Big Ten Conference; the college athletes who have sued the NCAA for violating their rights and failing to protect their health and welfare; the collectives that are helping to funnel money to students and universities; the agents who claim to represent the best interest of the college athletes but too often fail to do so; and the accountants who think they can figure out the fair market value of an NIL deal, despite the fact that corporations large and small are willing to pay ever more money for endorsements from superstars like former LSU basketball player Angel Reese.

While I appreciate the desire to examine the issues related to college athletics and the well-being of our student-athletes, the lack of participation from the powers that be and all participants in the diverse and complicated ecosystem, likely in part due to the beginning of March Madness, means that we are not ready to address these issues in a very serious way.

So I look forward to the opportunity to do so in the future.

Having said that, Mr. Chairman, I yield back the balance of my time.

Mr. BILIRAKIS. Thank you, Ms. Clarke.

The Chair recognizes Rep. Houchin for 5 minutes, please.

Mrs. HOUCHIN. Thank you, Mr. Chairman, and to Ranking Member Schakowsky for holding this hearing.

Thanks to the witnesses for your testimony. We really appreciate your time and your insight.

This issue is especially important for my home State of Indiana, as we have nearly 60 colleges and universities across the State, including Curt Cignetti's Indiana University Hoosier football team in my district.

In fact, in 2014 IU was the first university in the Nation to establish a student-athlete bill of rights, which enshrined protections and commitments for IU student-athletes. And they were also one of the first universities to implement an NIL policy.

Mr. Whitman, you are a fellow Hoosier from West Lafayette. I appreciated your testimony and that of Coach Beamer and, Mr. Egbo, your emphasis on the impossible patchwork of State laws.

As a member of the Indiana General Assembly and the State senate, I was hoping to tackle a data privacy issue for our State. I sent the proposed text of legislation to some stakeholders, and they promptly replied: Please do not file this bill. We don't want to have abide by 50 different State laws.

And that is exactly what the States are currently doing with NIL. I may be the only State legislator in history to kill her own bill, but I did at that point because I understood the assignment.

So with that experience, I certainly appreciate the need for a national standard and framework. I would like to hear, though, from Director Whitman and Coach Beamer, How is the lack of a national standard impacting competition and recruiting between universities and States with different or no NIL laws?

Director Whitman, if you would like to go first.

Mr. WHITMAN. Thank you, Congresswoman.

The lack of clarity and the lack of transparency has become very challenging in the recruiting space in terms of the competitive field. At the end of the day, we are trying to create national competition with absence of a national framework, and that is a really difficult place for us to be.

The idea here is not to figure out who can build the best cars, it is to figure out who drives the car the best. And ultimately, the rules that are being passed State by State are standing in the way of really determining who puts together the best program, who builds the right things culturally from a leadership perspective, from a strategy perspective.

Coach Beamer and his colleagues work really hard to go out and compete on the most level playing field we can create. But the result of these State laws is that the State laws are ultimately influencing what that playing field looks like, and I don't believe that is an appropriate place for our State legislatures to be.

Mrs. HOUCHIN. Coach Beamer?

Mr. BEAMER. Yes, I would agree.

And also, I know Ms. Clarke had to step out, but she and I are on the exact same page in what we are trying to get done.

She alluded to rogue agents that aren't certified. I completely agree. We need to protect our student-athletes from these uncertified rogue agents.

She talked about healthcare. I agree. I think we should expand healthcare after their careers are over as we look at that, as well.

But it is a challenge to do that because she mentioned the NCAA is constantly getting sued of anything they try to enforce.

To answer your question, it is a challenge. We are all extremely competitive, whether it is Mr. Fry's Gamecocks or your Hoosiers or Mr. Fulcher's Boise State Broncos or the Florida State Seminoles, and everyone is trying to find a competitive advantage.

And no one is here today saying that they are against the portal, they are against NIL, they are against expanding resources for our players. We are all just trying to get a uniform standard that benefits all of us, the schools, the administrations, and the student-athletes.

Mrs. HOUCHIN. Thank you.

We have a saying in my office as we are trying to anticipate unintended consequences. We say the mouse will find the cheese. It seems like the States are getting very creative in how to give their teams a competitive advantage through their NIL State laws.

I want to touch just briefly on the current lawsuit and impending settlement. Could either of you speak to the lack of Title IX protection and clarification within the settlement and why Congress might need to weigh in on how the NIL dollars are allocated? Whichever one thinks they can best answer that.

Mr. WHITMAN. I am happy to do that.

My understanding is that the Title IX question has not been put directly in front of the judge and that she has declined to opine on that particular issue because it is not germane to the conflict that is being evaluated.

And my understanding is, when it comes to the distribution of the back-payment damages, those are decisions that are being led by plaintiff's counsel, not by the judge, not by the defendants, certainly. And so how they have chosen to build that algorithm and allocate those dollars is really a decision that has been left to those attorneys.

Mrs. HOUCHIN. Thank you.

And, in closing, I just would like to take a quote from Mr. Egbo's testimony, because I think it perfectly encapsulates what we need to do on this issue of NIL.

He says, "I'm asking you to help student-athletes by creating uniformity and stability with NIL, protecting us from employment status classification, and ensuring consistent rules can be made and enforced."

I hope we can achieve that through our work in this committee.

Thank you, Mr. Chairman. I yield back.

Mr. FULCHER [presiding]. Thank you, Mrs. Houchin.

The Chair now recognizes Representative Dingell for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman and Ranking Member Schakowsky.

As those of you know—and I am from Michigan. College sports are a big deal. I am committed to ensuring all athletes are treated fairly, female athletes are protected and supported, and the integrity of college sports is maintained.

As we figure this out, it is well known that women's sports often do not receive the same support, promotion, recognition, or attention as men's sports programs at schools, in the media, and elsewhere. So we have to address this as we are doing all this. We

have to strengthen Title IX, improve gender equity in NIL, and ensure collective schools and conferences distribute resources more equitably.

In April 2024, the GAO reported that 93 percent of institutions with athletic programs failed to meet Title IX participation standards. And data shows female athletes are shortchanged over a billion dollars annually in scholarships.

Schools continue to invest more in promoting men's sports, and the success of revenue programs has enhanced male athletes' NIL and recruiting value. Schools are indicating that they will be giving men's basketball and football players 90 percent of the new revenue-sharing payments, up to \$20 million a year for the next decade, and publicly saying these payments don't count against Title IX.

Mr. Whitman, how can thoughtful NIL policy promote women's sports programs and bridge these disparities in treatment?

Mr. WHITMAN. Thank you, Congresswoman.

Title IX has been absolutely instrumental in the advancement of college athletics. You would be hard-pressed to find any law that has had bigger impacts on the opportunities for students across this country over the last five decades than Title IX.

And, as I mentioned earlier, we are thrilled by the explosion in interest in women's sports. We have seen a volleyball match that was played in front of 90,000 people at the University of Nebraska. We have seen women's basketball played in a football stadium at Iowa. We saw a women's basketball national championship game that outdrew the men's counterpart on national television.

We have seen the NCAA now for the first time begin to reward women's basketball performance, with the adoption of the Women's Basketball Performance Fund—a hugely important change that was recently adopted by the national organization.

We have seen some of these changes happening on our own campus at the University of Illinois. We have attendance and revenue records happening in women's basketball, volleyball. We have made real investments recently in our soccer program, track and field.

Ultimately, as I mentioned earlier, we have an obligation and are complying with Title IX. And we have every intention of continuing to comply with Title IX as we move forward.

There do continue to be some questions around how Title IX will apply to these new payments. It has been a question that has needed clarity for some time. We continue to seek that clarity. I expect that will reveal itself in the months and years ahead.

Every person who sits in my chair understands our Federal obligations and will adapt our policy and our strategy to be in line with whatever clarification we ultimately receive.

Mrs. DINGELL. Thank you. We really do have to work on this. And I always have Hutch who is trying to help me figure it out.

In February 2025, the Trump administration rescinded guidance that required NIL payments in college athletics to be proportionally available to male and female athletes under Title IX.

Ms. Cole, do you think this decision undermines Title IX's goal of ensuring equal opportunity for women in sports?

Ms. COLE. I am not familiar with this topic and not able to speak on the question.

Mrs. DINGELL. OK. Thank you. I may ask you to familiarize yourself and get you to answer for the record.

Traditionally, all sponsorship, gate receipts, donations, and TV revenue go into one pot that supports all sports without discriminating on the basis of sex. This commitment has made the United States a world power in Olympics and a global powerhouse.

Mr. Whitman—I am coming to you again—can you tell us what an overhaul of this precedent would mean for the athletes?

Mr. WHITMAN. I am sorry, Congresswoman. Can you clarify what—overhaul of which precedent?

Mrs. DINGELL. That all the sponsorship, gate receipts, donations, and TV revenue go into one pot that supports all sports without discriminating on the basis of sex. That has made the Olympics a success.

Mr. WHITMAN. I don't see that changing. And certainly at the University of Illinois, our intent is for our resources to continue to support all of our student-athletes.

And we do believe, under the House Settlement, we will be in a position to offer additional benefits to every student-athlete in our program, whether those benefits take the form of additional scholarships, potential NIL payments, or some of the additional benefits that are now made available by virtue of the House Settlement.

Our intention is to continue to invest heavily in the experience of every student-athlete who wears the orange and blue, and we think the House Settlement provides us an even greater tool set to approach that opportunity.

Mr. FULCHER. Thank you.

The gentlelady's time has expired.

The Chair recognizes Representative Fry for 5 minutes, please.

Mr. FRY. Thank you, Mr. Chairman, and I think it has been a great hearing.

And I appreciate the witnesses for being here, for your expertise, your professionalism. It is a really important issue, I think, that touches a lot of aspects in our country. People like college sports. They want to see it succeed.

And it is great to have two of South Carolina's finest higher institutions present from our football programs, but there is only one university—South Carolina, sir. Go, Gamecocks.

And for the Californians in the room, "USC" stands for "South Carolina" and not "Southern California." We were an institution before you were a State.

That being said, the NCAA—I think the prior scheme, you had a very restrictive, not player-focused scheme that, you know, you went to school, you got a scholarship, there wasn't many other benefits that were afforded to you, maybe not the correct legal protections.

And, of course, we have seen that go the opposite way, right? And I think, in some ways, people welcome that, that players that are adults—they are 18 years old—are going and capitalizing on their talent, on their NIL, their name, image, and likeness. But there are some real concerns, right? And we have heard that.

Last year, I filed the Protect the BALL Act, right, which was a shield, if you will, for institutions. And the idea was that you want-

ed to give the breathing room between the NCAA, the colleges, the conferences, and the players to figure out the framework.

But we have, as has been alluded to—I think Mrs. Houchin talked about it—a patchwork of State laws. You have States that are—Coach Beamer talked about competition, but you have State legislators that are invested in preserving and enhancing their State institutions. And so there are some dangers on the horizon on where we go from this when States are doing their own thing.

And I think the big thing that we have talked about here seems to be a level of preemption that is needed, right, that you cannot have a patchwork of 50 State laws, that you have to have one standard, the framework maybe being provided by Congress, but most of that effort being provided by the institutions themselves, the players, the families that are affected, the conferences, and, of course, the NCAA.

That seems to be, I think, where we need to go, right, that this is a collaboration between those who are engaged in the space. It isn't a mandated, top-down, heavy mandate from Congress, but there are some frameworks that should be available to allow college sports to thrive, that focuses on the players, that focuses on the college athlete experience.

And with that being said, Coach Beamer, obviously, with that backdrop, how has NIL changed just recruiting in general? Football, but you have, I am sure, heard stories from, you know, Dawn Staley or whomever. How has that changed the recruiting aspect of college athletics?

Mr. BEAMER. Thank you for the question. And thanks for all you do for the great State of South Carolina, Mr. Fry. And great to see you again as well. As you know, this is my third time to Washington, DC, in the last couple years on this issue. So appreciate everyone being here today to listen to us as well.

It has certainly changed things, in regards to when you are recruiting a student-athlete, finding out what is important to them. And, certainly, name, image, and likeness is another aspect of that, without a doubt.

But we are really well situated at the University of South Carolina because of the things that we have to offer beyond NIL. As I mentioned, we are in the capital city, and there are so many opportunities for our student-athletes at the University of South Carolina.

And schools across the country should have advantages, from a recruiting standpoint, because they have great academics—which we do—they have great coaches—which in all of our sports we do—great development, and not necessarily who pays the most.

And that is what has happened in so many instances as well. It is still about the educational experience, on and off the field, with everyone.

Mr. FRY. For sure.

Coach, do you think that a Federal standard—and I think you testified to this earlier, but do you think a Federal standard would level the playing field in college athletics?

Mr. BEAMER. Yes.

Mr. FRY. OK.

And, obviously, you said that college sports should be less about money. It is about the education, and it is about the experience.

What guidance or structure do you believe would help ensure that NIL remains a tool for empowerment rather than a distraction?

Mr. BEAMER. Obviously, with the settlement next month, with revenue sharing, that is going to help things. We will have a real enforcement arm behind that, is the way it is trending right now, which would be very beneficial for all coaches, all sports. And then, as Mr. Whitman mentioned, a clearinghouse for any outside income beyond revenue share, which we are all for.

And our student-athletes at South Carolina—as you know, A’ja Wilson, a former women’s basketball player, has a statue outside our basketball arena. So there are fantastic opportunities for all of our student-athletes with national legislation.

Mr. FRY. Coach, finally—and I will go over here just briefly, but—you know, I think, collectively, we have talked about maybe some of the Olympic-style sports, we have talked about some of the smaller schools and how they might be impacted.

How do you see NIL affecting those Olympic-type sports? And can Congress help to protect those types of sports for college athletes?

Mr. FULCHER. Very quickly, please.

Mr. BEAMER. Yes, sir.

No, I would say this. With the terms of the settlement—and I am not a legal expert. I will defer to someone that is. But the way I understand it, Mr. Fry, with the terms of the settlement, all of our Olympic sports, there is an unintended consequence. There are going to be some roster spots that are cut. But all members of the Olympic sports, nonrevenue sports, going forward will be on scholarship. So, in so many ways, that has bettered their situation.

Mr. FULCHER. Thank you, Mr. Beamer.

Mr. FRY. Thank you.

Mr. FULCHER. The Chair recognizes Representative Veasey for 5 minutes.

Mr. VEASEY. Thank you, Mr. Chair.

First of all, I want to say thanks to each and every one of you for coming to testify.

I want to, for Mr. Egbo, wanted to give a special shout-out to him. My uncle, back in the 1960s, before the now-defunct Southwest Conference started accepting Black athletes, he had an opportunity and graduated from Abilene Christian University. And so I have—my late uncle. So we have Abilene Christian University, a shared value there.

So welcome.

Mr. Beamer, we are here to talk about NIL, and I will tell you that I think that one thing that the Southeast Conference is facing—and I talked a little bit—touched on that earlier when I mentioned the Southwest Conference and integration. I think that the SEC, particularly, with all of the Governors and wokeness and DEI that they are bringing to these college campuses, I think you all are going to run a lot of the brothers off, honestly. I will be straight-up with you. You all need to figure out how you are going

to make your campus comfortable for the Black athletes that are playing there, with all of this rhetoric around some of these topics.

Mr. Whitman, I wanted to also point out, you talked about the grades, and I think that you are right-on to mention that. What worries me—and everybody knows it, it is not anything new—that, in order for players to stay eligible and in order for players to be able to participate, that there are certain degrees that are off limits, certain degrees that make it really tough for them to be able to major in if they don't want to be moved down the depth chart and if they want to be able to stay on the team.

And so it is great to talk about that education is still one of the priorities, but everybody knows that that game has gone on for a long time, that there were players that had all these credits and the credits absolutely led to nothing, or they get a degree in something like general education to where there is not really a lot that they can do with it and no one really knows what those degrees are for.

And so I am glad that you are talking about the education, but that brings me to my first question. I want to talk about—and I know that you are not from UCLA, but I want to just mention this. They are going to travel over 22,000 miles this season, going from the West Coast all the way over to the East Coast. And Stanford, USC, Washington, other schools are going to face those same demanding itineraries. And this is going to be disruptive to their academics.

And so, with knowing that you are going to have that increased physical and mental fatigue that is going to be taking place, how is that good for the student-athletes? I really don't understand that. These increased travel schedules, I am just curious, how have athletes been able to work around that, and how has it impacted them academically?

Mr. WHITMAN. Thank you for the question, Congressman.

We have had the chance now at the University of Illinois to participate in the expanded Big Ten since the beginning of the fall, and so I have some firsthand experience watching a number of our teams make those trips.

The thing that I would remind you is that we continue to try and champion our student-athletes both in their academic and their athletic pursuits. And in the expanded Big Ten footprint, just as an example, for schools that compete at the level that we do, we are used to traveling nationally. Our student-athletes in all of our sports travel extensively, across the country, to participate in their nonconference competition.

And so, for Illinois, we have now replaced some of those nonconference competitions maybe in California or Texas or Florida with now conference competitions. And so the chance for them is not that much different than what it was before.

Mr. VEASEY. Yes.

Mr. WHITMAN. And we are also able to provide them with robust academic support. We have tutors and academic advisers who travel with our student-athletes to help them study when they are traveling—

Mr. VEASEY. And I am sorry to cut you off, but I might run out of time. I wanted to ask Mr. Falcinelli about that too.

Could you touch on that?

Mr. FALCINELLI. Yes. We had a number of games, and traveling across the country is incredibly taxing.

And especially to the point of—I really want to get on the point of your practice schedule far outweighs your academic schedule, to where the majority of your time as a college athlete is spent on your sport and your workouts and your team meetings and your practices, traveling for games, to where I have had a number of times where you are getting off that bus, returning from a game at 7 in the morning, and the sun is coming up, and you are thinking, great, on the way to meetings, and then back to bed, and hopefully I will be awake for class on Monday.

Those long-distance games are very tough and oftentimes lead to lack of sleep, to lack of—all these issues that are part of it. And athletes do enjoy the pace, athletes are all about the grind on it, but it is incredibly difficult and taxing to manage having a final later in the week when you are not sleeping for part of that week.

Mr. VEASEY. Yes. Thank you very much.

Thank you, Mr. Chairman.

Mr. BILIRAKIS [presiding]. Appreciate it.

The gentleman yields back.

I now recognize Mr. Goldman for 5 minutes for your questioning.

Mr. GOLDMAN. Thank you, Mr. Chairman.

Thank you all to the panelists for being here. And, yes, I too am a huge fan of women's sports, especially the number 1 Lady Longhorns right now.

I will be very brief.

Mr. Whitman, can you just tell us, in your world, what is the number 1 producing revenue sport?

Mr. WHITMAN. Football, Congressman.

Mr. GOLDMAN. Do any of the others make money?

Mr. WHITMAN. Men's basketball.

Mr. GOLDMAN. So just men's football and men's basketball are revenue-producing. None of the others are?

Mr. WHITMAN. We have two other sports that produce revenue. They don't earn profit. And so we also make money through women's basketball and volleyball as well.

Mr. GOLDMAN. So they make revenue—you know, I mean, you put it perfectly. They make revenue but not profit.

Mr. WHITMAN. Yes, sir.

Mr. GOLDMAN. So how do you all divide what goes everywhere else?

Mr. WHITMAN. I am sorry?

Mr. GOLDMAN. How do you divide what goes everywhere else?

Mr. WHITMAN. We generate our resources through football, men's basketball, women's basketball, volleyball, and then we redistribute that money out to fund the experience and the opportunities for the remainder of our student-athletes.

Mr. GOLDMAN. So, again, like, what programs do you decide you have or not have based on the revenue that you have coming in?

Mr. WHITMAN. Ultimately, they are strategic decisions left to the discretion of each institution to determine for themselves what programs we wish to sponsor and at what level of resource we are able to provide them.

Mr. GOLDMAN. So what is your, let's say—what is your—OK. You have football, men's basketball. What is—do you have a third? What is number three?

Mr. WHITMAN. We have an incredibly competitive men's golf program.

Mr. GOLDMAN. OK. So men's golf, perfect example. What do those kids get paid, NIL?

Mr. WHITMAN. They do receive NIL contracts. They probably don't at many institutions, but at the University of Illinois, because of the profile that our golf program enjoys, they are the beneficiaries of NIL arrangements.

Mr. GOLDMAN. So the golfers make money, but the program does not.

Mr. WHITMAN. Correct.

Mr. GOLDMAN. Thank you.

Coach Beamer, thank you very much for being here.

Can you take us through a normal—and I know SEC now. So when a recruit comes in—you go to a home or a recruit comes in, what is the first topic of discussion these days?

Mr. BEAMER. We start recruiting them really early, so maybe when they are a young player in high school, it is about the uniforms and things like that.

And then, certainly, as they get older and closer to making a decision, they want to talk about opportunities in our town, they want to talk about academics, they want to talk about playing time. We talk about the fan base and the resources and the development that our program provides.

And, certainly, NIL is a topic that comes up, but is it typically at the forefront? Not necessarily.

Mr. GOLDMAN. Define "not necessarily." I mean, let's say five-star, four-star recruits, is that not the number 1 topic of discussion?

Mr. BEAMER. I wouldn't necessarily say it is the number 1. I think, honestly, it really depends on the young man. There have been those type of players that have been in my office that it is one of the first things that comes up, and there are other players that have come in my office and it hasn't come up at all.

Now, I am not naive, to say that outside of my office with other people they may be having those conversations. But in regards to me, that is the experience that I have with players.

Mr. GOLDMAN. And what about for the players in the portal? Is that—

Mr. BEAMER. Players in the portal, I would say the NIL conversation is a little bit more prevalent, because so many of those young men in the portal, they have done something at the other school in a lot of situations as well.

Being from the State of Texas, you are familiar with your rival, Oklahoma, and Spencer Rattler. Spencer Rattler transferred to the University of South Carolina. Spencer had accomplished a lot at the University of Oklahoma. Him coming to the University of South Carolina, he had proven a lot.

So, certainly, in situations like that, going forward there are NIL conversations that are a little bit more prevalent with transfers that have been in college.

Mr. GOLDMAN. And that is kind of where I am going, right?

I mean, the whole student body experience, in my opinion, is to get an education first. We all know the reality of this is, with NIL, with the money in sports now, with the golfers at Illinois getting paid more than the program generates, we have a major problem in this country. And we have to fix it, and I believe now it is up to us to fix it. Because there is no equality anymore.

Mr. BEAMER. Right.

Mr. GOLDMAN. It is who gets paid the most—

Mr. BEAMER. Uh-huh.

Mr. GOLDMAN [continuing]. And where those players go. And if they are unhappy, they transfer. And they can easily transfer. And do they go to another academic institution because of the programs that they have in education, or possibly what they are going to get paid?

These are 18-, 19-, 20-year-old kids that are out for a paycheck rather than an education. And I think it is up to us to change that moving forward.

Thank you all very much for being here today.

Mr. BILIRAKIS. The gentleman yields back.

I now recognize Ms. Kelly for her 5 minutes of questioning.

Ms. KELLY. Thank you, Chair Bilirakis and Ranking Member Schakowsky.

As we continue with today's hearing, I look forward to discussing how we can protect college athletes' ability to benefit from NIL and NIH funding for crucial biomedical research done at our Nation's colleges and universities.

As I said in my opening remarks, indirect costs are the infrastructure that makes research possible. They are the oversight, buildings, utilities, safety protocols, training, and regulatory compliance that is a necessary part of medical research and particularly critical to clinical studies.

If these costs are not supported, institutions across the Nation, like Lurie Children's Hospital, which is affiliated with Northwestern University's Feinberg School of Medicine, will lose the ability to continue discovering and delivering cutting-edge treatments, and cures and therapies will be essentially undermined. In fact, Lurie Children's expects that by 2030 we will need to subsidize their infrastructure costs by an additional \$30 million per year.

College athletes, particularly those in contact sports like football, face significant risk when it comes to long-term health, especially concerning head injuries that may not be immediately diagnosed.

Studies have shown that around 10 percent of college football players sustain concussions each season, with many going undiagnosed and untreated at the time. These injuries, particularly repeated concussions, can lead to long-term neurological conditions such as CTE, which may not manifest symptoms until later years.

Mr. Whitman, welcome. Given the growing body of research on the long-term effects of brain injuries, what steps are athletic directors and universities taking to ensure that college athletes have access to comprehensive healthcare, including ongoing monitoring for head injuries even after they have left the field?

Mr. WHITMAN. Our student-athletes are the beneficiaries of world-class healthcare, concierge healthcare, 24/7 healthcare that is managed by independent medical advisors, doctors, physicians.

They are encouraged to receive as many second opinions and expert opinions from any medical facility in the country when they present with injuries that require that level of attention.

Relative to the head-injury question, we have invested heavily as an institution into better safeguards for our students-athletes competing in contact sports, particularly in football. We now outfit every student-athlete with custom-fitted helmets that are built specifically for their head and only their head.

It is one of many changes that have come to college athletics here in the last number of years. As technology has improved, we have been able to outfit our student-athletes with ever-improving equipment that we think can help prevent those kinds of long-term injuries.

We do, as mentioned earlier, provide ongoing healthcare for our student-athletes for a number of years after their collegiate careers are over. And, again, I think that is now a protection that is provided not just at the University of Illinois, but it is mandated all across Division I, which is a tremendous step in the right direction.

Ms. KELLY. Thank you. And that is great to hear.

Mr. Falcinelli, Clemson, which has an enrollment of 76.5 percent of White students, received over 25 million in 2024 from NIH to do research. Why is preserving this research important to college athletes, especially given the health risks they face on the field?

Mr. FALCINELLI. Yes. And as you mentioned with your references to CTE, there is so much that can go on there, that it is something that is incredibly personal to me as an offensive lineman. The average life span of an NFL offensive lineman is 55 years old. That is 20 years less than the national average.

And so, while I did not play in the NFL, I sure played a lot of snaps, so that is something I think about every day. And the research into CTE is something that will be critically important to my life and to those many like me.

And I just want to say, I appreciate Mr. Whitman and the way he is running his program there and his emphasis on second opinions and independent medical care. And that is the model that we as an institution want to see bargained for for all institutions everywhere. That is how a college football program should be run, and that is the kind of medical treatment that all players across the country should be able to have.

Ms. KELLY. Thank you so much. And I am very proud to hear that, since part of his school is in my district.

So thank you both, and thank you to the witnesses.

And I yield back.

Mr. BILIRAKIS. The gentlelady yields back.

I now recognize my fellow Florida Gator, Ms. Lee, for her 5 minutes of questioning.

Ms. LEE. Thank you, Mr. Chairman. Go, Gators.

And thank you to all of our witnesses for being with us here today.

I would like to go back to you, Mr. Whitman, for some followup questions.

In your testimony, you advocate for Congress to establish a uniform name, image, likeness and revenue-sharing framework in line with the House Settlement. How do you see the dynamic between the collectives and schools changing if we are to codify the basic provisions of the settlement?

Mr. WHITMAN. Thank you, Congresswoman.

The question around the relationship between institutions and their respective collectives is one that I think is best left to those organizations.

I think there is no question that, in the new environment that will be created by the settlement, we expect those relationships to evolve.

I would imagine they would go one of three different directions. In one instance, you could see some collectives wind down and cease operations. Secondly, you could see some collectives that come, quote/unquote, “in house” to the athletic program and begin to operate internally under the umbrella of the athletics department. Or, third, you could see some collectives continue to exist separate and apart from the athletic program but repurpose their focus and begin to develop true market-based NIL opportunities for student-athletes.

Ms. LEE. And I would also like to discuss the application of anti-trust laws to collegiate sports and the NCAA.

In your testimony, you distinguish between a blanket exemption and a safe harbor. Why do you believe that a safe harbor is appropriate? And why is that important for collegiate sports?

Mr. WHITMAN. It is important today to understand that we have leadership across college athletics that recognizes the need for college athletics to evolve and change, to modernize the structure that has existed for decades around college sports. The challenge that we face is that, every time we try and implement new rules, new procedures, we get pulled into court under the auspices of the anti-trust laws.

And so we are not looking for Congress to, quote/unquote, “fix” college sports. We are looking for Congress to create a legally defensible space where we can fix college sports.

And, right now, because of the overarching concerns around anti-trust and the need for us to create a national environment, that lends itself naturally to some challenges in the antitrust space. And that is where we would appreciate some protection so that we could function more openly and create that national playing field that we think everybody wants in college athletics.

Ms. LEE. And, Mr. Egbo, I would like to go back to you. As a student-athlete, you bring a very important perspective to the conversation that we are having here today. And we are nearing the end of our hearing, so I wanted to come back to you and ask this question: Is there anything that you believe is an important perspective that you have not had the opportunity to share with us today or haven’t been asked about yet today?

Mr. EGBO. Yes, I would like to take the time to just reemphasize some of the things that I have said in my opening statement.

You know, student-athletes, we value this experience greatly. Like, this collegiate experience is something that creates opportunities. Like I mentioned, my life has changed from my opportunity

to play college sports, and it will continue to change because of those connections I have.

So I want to reemphasize that student-athletes, again, when talking about employment, want to preserve those opportunities. And we believe that the opportunities that we do have come from being student-athletes first. So a lot of what we are desiring and asking Congress to help with is to protect those opportunities, like I said, for student-athletes like me that are in these situations at institutions, like myself.

But I just want to say thank you again for the opportunity to hear us, because we know that you guys care about these issues.

Ms. LEE. And, Ms. Cole, the same question for you: Is there anything you were hoping to share with us today or want to emphasize for our benefit?

Ms. COLE. I really think I just would like to emphasize how grateful I am to have had a positive experience with the new NIL regulations. And I am so grateful to all of you all for taking the time to put effort in to continue to help athletes have a similar experience as I had.

Ms. LEE. All right.

Mr. Whitman, coming back to you, how are you anticipating, what are you doing now to prepare for challenges? The settlement is approved and implemented. How will that affect the resources and the programs that you currently provide?

Mr. WHITMAN. It will allow us to begin generating additional resources, we think, through a number of different avenues. It will allow us to begin providing direct compensation to our student-athletes in the form of NIL licenses. It will allow us to control that environment more to provide greater accountability to our student-athletes.

Our student-athletes trust us. They trust our athletics program. They understand that we are actively working in their best interests. And we look forward to, under the settlement, being able to lock arms with them and create a stronger partnership that ultimately enhances their opportunity to be a student-athlete at our university.

Ms. LEE. Thank you, Mr. Chairman. I yield back.

Mr. BILIRAKIS. The gentlelady yields back.

And now I will recognize Ms. Schrier for her 5 minutes of questioning. Thank you.

Ms. SCHRIER. Thank you, Mr. Chairman. And thank you, Madam Ranking Member. And thank you to all of our witnesses. I have enjoyed listening to your testimony.

I really appreciate this discussion about compensating young athletes for their performance, especially as a mom of a 16-year-old basketball player and a pediatrician who has taken care of a lot of the athletes that play for you.

I also want to make sure that these athletes continue to grow and thrive, and so I just want to really drive home the point that athletes need to have universities to play for.

The United States is the gold standard in scientific research for a reason. It has always been a bipartisan priority for us in this committee and in the Congress to fund the National Institutes of Health in order to support brilliant scientists and researchers

across the country who are doing cutting-edge research, who live and work in both Democratic and Republican districts. This research benefits the entire world, and our Nation takes such pride in their accomplishments.

I am a pediatrician, as I mentioned, and I have seen firsthand the kids who I have taken care of who have cancer. And most children—people don't know this—most children who are being treated for cancer are participating in clinical trials that are funded by the National Institutes of Health. And that is how they get access to groundbreaking new treatments that can help them do better and give them the best chance for survival. And when this administration takes away NIH funding, we are putting those kids' lives at risk.

In Washington State, we are blessed with amazing research institutions: University of Washington, Washington State University, we have Fred Hutchinson Cancer Center, and we have Seattle Children's Hospital. Fred Hutchinson that researches cancer cures would lose an estimated \$125 million annually if the Trump administration's 15 percent indirect cost caps go into effect.

And this phrase "indirect costs" is so misleading. The reality is that "indirect funding" just means anything other than funding for the scientists' salaries, the materials, and the equipment that are specific for that study. So if you have shared equipment, like labs or infusion centers, an MRI machine, refrigerators, computers, grant writers, all of that is considered indirect. And so it is really indispensable for the research that your universities do.

This is not insignificant. For some of the research institutions in my State, we are talking about 50 percent indirect costs. So, for every dollar that goes specifically to the project, another 50 cents goes to all of the support equipment. So this isn't cutting fat when they go from 50 percent to 15. This is knee-capping research. And it will shut down our greatest research institutions and our medical schools.

And I am hearing from people in the middle of trials right now, scheduled to get their next dose of trial chemotherapy, and they can't get it because it is delayed. That messes up, of course, not just their health, putting it at risk, but it messes up the study, because now a dose has been given late, and how do you evaluate those results? This is already happening.

So I just want to emphasize that it is threatening the universities where you play and you coach. It makes our brightest young scientists think about not pursuing research, even though they could. And it makes our bright young scientist athletes reconsider whether they want to go into sports medicine research or sports medicine.

So I have no specific questions for all of you. I do have gratitude to all of you. And I just want to ask that, as we consider these programs to benefit our student-athletes, that we also consider the well-being of the universities that they play for. And restoring that National Institutes of Health funding keeps our universities strong and keeps us all at the cutting edge.

Thank you, and I yield back.

Mr. BILIRAKIS. Thank you.

I recognize now the gentleman from New Jersey, Mr. Kean, for his 5 minutes of questioning.

Mr. KEAN. Thank you, Mr. Chairman.

And thank you to all of our witnesses for being here today.

As the landscape of college athletics continues to evolve, NIL has created new opportunities for student-athletes while also raising concerns about fairness, recruitment, and the role of higher education in sports.

As we consider Federal legislation, it is critical that we strike the right balance, ensuring that athletes can benefit from their name, image, and likeness, preserving the integrity of college athletics, and keeping competition fair for all schools, including those in New Jersey.

Mr. Whitman, thank you for your testimony. And one of my concerns is how reclassifying students as employees would drastically harm smaller universities, where we already have seen many eliminate specific sports teams or their entire sports program in its entirety.

I know that you are the athletic director for a larger school, but what are the consequences of shifting students to become employees? Are there alternative ways in which we can bring about some of the protection for student-athletes without naming them employees and potentially eliminating their chance to continue playing the sports they love?

Mr. WHITMAN. Thank you, Congressman.

I do have some firsthand experience with this. Prior to coming to the University of Illinois, I was the athletic director at two different Division III institutions. And so I have an understanding of what it means to be at a smaller institution that competes at a different level of college athletics.

I do think that the Dartmouth men's basketball case is instructive to the question that you have asked. And in that case, the Regional Director of the National Labor Relations Board found the men's basketball team at Dartmouth to be employees based on the fact that Dartmouth exercised control over their schedule and ultimately they compensated them in the form of free apparel, shoes, and sweatshirts, priority scheduling, and the opportunity to give their family free tickets.

The problem with that is, if that is the test, then every student-athlete in America at every Division I, Division II, and Division III institution is also an employee, because every school provides free sweatshirts, free shoes, free tickets for their kids to have for their families to attend their games. And that becomes a tremendous problem.

If schools like University of Wisconsin-La Crosse, where I began my athletic director career, were forced to begin compensating student-athletes, they don't have the financial resources to support a program that is required to do that, and ultimately they will have to make decisions that may ultimately result in significant reduction in opportunities for student-athletes and potentially even the closure of full programs. And that would be catastrophic for the educational mission of college athletics.

Mr. KEAN. Thank you.

Coach Beamer, do you feel NIL opportunities have created challenges in maintaining team chemistry? And if so, how do you keep players focused on the team?

Mr. BEAMER. It is a new challenge that all of us as coaches are navigating for the first time.

To me, sir, it starts with bringing the right kind of people into your program that certainly understand that they can capitalize on their name, image, and likeness, but making sure that is not the sole reason that they are at the University of South Carolina, for sure, and that, you know, they understand, all of our players—they are not, but they all have a goal of going to professional football. And that is an aspect of professional football as well—players getting paid. And some guys are going to be making more on their name, image, and likeness in college, just like the NFL players will be as well when they are paid a salary.

Mr. KEAN. OK.

And how can Federal NIL legislation create a fair playing field for all student-athletes, including those at smaller schools or in nonrevenue sports?

Mr. BEAMER. Certainly just the national legislation that we need that would, one, promote academics and enhance welfare for all of our student-athletes, that allows the conferences in the NCAA to regulate without being caught up in litigation; and then certainly something to protect the student-athletes as well, a national law that will help with the agents. Because, as has been mentioned—there are some great ones out there, don't get me wrong—but in pro sports, you have to be certified to be an agent. So many of our student-athletes have agents that help them with NIL that aren't really agents, and so many young student-athletes are being taken advantage of by these.

Mr. KEAN. Thank you.

I yield back.

Mr. BILIRAKIS. Thank you very much.

And now I recognize Mr. Evans from the great State of Colorado.

I am not sure if you represent Neon Deion, Coach Prime, or not. But you are recognized for your 5 minutes of questioning.

Mr. EVANS. Thank you, Mr.—

Mr. BILIRAKIS. He would be a great witness, by the way.

Mr. EVANS. Thank you, Mr. Chairman.

And thank you to the ranking member and to the witnesses.

No, they are actually just outside of my district. But I am honored to be representing the University of Northern Colorado, where we have student-athletes who of course will be directly impacted by the NIL reforms that we are discussing here today. And I have had the chance to hear from this institution about some of the needs for Federal regulation to set those basic rules of the road for all schools and ensure that we are setting up our student-athletes for success.

They are a Big Sky Conference member with a very—I think they have the highest graduation rate, actually, and a very good sports program. And so I look forward to working with them to be able to just explore how we can get this critical work done.

And so my first question, with that back story, is to Ms. Cole.

Again, University of Northern Colorado, they have that very, very crucial role of setting up their student-athletes for success, not just in college but for the rest of their lives. But, as we have heard, you know, we have situations where student-athletes can get in trouble with owing back taxes or being taken advantage of or exploited.

And so I just want to hear a little bit about your experience in how, as a student-athlete, how you can navigate the NIL landscape responsibly and how institutions and conferences can play a role in making sure that students get the appropriate guidance to navigate that situation.

Ms. COLE. Absolutely. Thank you so much for your question, Congressman Evans.

I actually spoke on two different panels at the NIL Summit, which started, obviously, right after the laws changed, for Invesco and then Robinhood, to really bring up the importance of awareness around these topics and education for student-athletes, especially in such a new and ill-defined space.

And I think it is extremely important that we put in programs to help make sure that these student-athletes are educated in a way that they can go into these decisions informed, to really set themselves up in the best position to thrive both during and after their collegiate careers.

Mr. EVANS. Thank you.

And kind of continuing on that same vein of questioning, Mr. Egbo, you served some time on the Student-Athlete Advisory Committee. Can you just talk a little bit about how that exposed you to some of the decision-making processes for your athletic department?

Mr. EGBO. Yes, I was on SAAC for my institution, president, and then represented my conference, and then now sit on National SAAC—which I am on the joint council with Josh—integrated in every level of governance and decision making. At the national level, 32 reps, 1 from each Division I conference, we sit on every voting standing committee, on council and board of directors and board of governors.

So just being exposed to that, and also trying to, you know, create more avenues, like Josh mentioned earlier, to give student-athletes more decision-making influence and voice is very important.

But we are integrated in it, and there is a system in place right now to have that continue to be built up.

Mr. EVANS. Thank you.

And then to Mr. Whitman, you know, we have heard today about some of the good work that institutions are doing to make sure that they are taking care of their student-athletes, but we also understand that there is a need for, again, just basic rules-of-the-road legislation.

For example, one thing that I specifically heard from my athletic director at the University of Northern Colorado—and it seems to be a concern that you all are facing as well—is, last week, CBS Sports obtained a draft bill from the capital in Springfield to exempt NIL payments from State income tax, which is modeled after some policies in other States.

And so the question is: Do you think that that patchwork, where some States are able to exempt those payments from income tax, gives a competitive advantage? And how do you think that affects the recruiting landscape without general rules of the road?

Mr. WHITMAN. Thank you for the question. And, yes, I absolutely do think it is a competitive advantage. And that is the kind of political maneuvering that we need to try and eliminate through the use of Federal legislation.

Right now, we have this environment that makes it very difficult to compete on a level playing field, which is the point of college sports—is, when Coach Beamer goes out on Saturday afternoon, to know that he has the same opportunity for his team to be successful as those teams that he is competing against. And, right now, some of these State laws are creating inequity across our system that really only can be addressed through Federal legislation.

Mr. EVANS. And so, with my last 20 seconds, just very briefly, how do you see such a piece of legislation structured to give the institutions the flexibility they need to be able to do the good work that many of them are doing but also to provide that guidance?

Mr. WHITMAN. Ultimately, I think it is on two fronts. One is preemption, making sure that this new piece of legislation preempts State efforts to address some of the issues that are active in college athletics.

And then, secondly, as I discussed with Ms. Lee earlier, I think it is important that we create some limited antitrust safe harbor so that we have flexibility to manage our own house. And we have heard from you and your colleagues that people are interested in seeing college athletics step up and manage its own affairs.

Mr. EVANS. Thank you.

Mr. WHITMAN. We would like to do that, but we need additional resources on the legal side to manage.

Mr. EVANS. Thank you.

I yield back.

Mr. BILIRAKIS. The gentleman yields back.

Now I recognize the vice chairman of the full committee, Dr. Joyce, for your 5 minutes of questioning.

Mr. JOYCE. First, I want to thank Chairman Bilirakis for holding this important hearing and for allowing me to waive on.

I also want to thank the witnesses for appearing.

The unique nature of college athletics is something that is firmly embedded in American sports, in our psyche and in our culture. Millions of Americans have been able to attend college and excel both on and off the field because of the opportunities that the NCAA and their member institutions offer.

In the wake of the Alston decision in 2021 and the changes in the NIL policy, we recognize that the amateur model that had existed at colleges across the country must evolve.

In the Commonwealth of Pennsylvania, steps have already been taken to ensure that student-athletes can navigate the evolving NIL landscapes responsibly. Penn State has been a leader in ensuring that NIL opportunities are both beneficial and sustainable by offering robust financial literacy programs and prioritizing student-athlete well-being.

This year, Penn State Athletics announced the creation of the ROAR Solutions, a powerful and dynamic group of resources assembled to deliver the best student-athletes endorsements and support in the country. This collaboration between the university and the world-class student-athletes at Penn State—like NFL player Mike Gesicki, sports commentator Adam Breneman, and 2025 Super Bowl champion Saquon Barkley—will help to tell the unique stories and propel their careers forward.

Besides my alma mater of Penn State, Pennsylvania hosts 14 other DI schools. These universities range from large universities, like the University of Pittsburgh and Temple, to smaller colleges, like Bucknell and St. Francis University.

The experience of being a student-athlete not only prepares great opportunity—academic opportunities, but allows young adults to enter the world after college. In my own congressional office, we have an outstanding example of this: Lili Benzel, a former St. Francis University basketball superstar and three-point specialist, who I am proud to have as my director of operations.

As we consider NIL as legislators, we must examine this issue and the impact that any action will not only have to big teams like Penn State but also the ripple effects that this might have on the St. Francis University women's basketball team, the Shippensburg baseball team, the Juniata College volleyball national championship team, and the thousands of athletes who compete and go to school every day in Pennsylvania-13.

Mr. Whitman, in 2021 Pennsylvania's NIL law went into effect, and subsequently they have had to amend their law several times, largely to respond to other States seeking a competitive advantage in the recruiting of athletes. Additionally, States are now looking to other laws, as we have discussed, to do the same regarding tax law.

What are the dangers to this approach, when States are creating and amending tax laws to seek competitive advantages in college sports?

Mr. WHITMAN. Thank you, Congressman. I think your question strikes at the challenge that we confront and the reason we are all here today, is the need to identify a standardized playing field for college athletics.

And as States have become increasingly active in passing legislation to benefit their hometown institutions, that is a new phenomenon. It is not something we have experienced in college athletics in the past, and we believe it is antithetical to the purpose of college athletics, which, again, is to educate our student-athletes but also to provide them a world-class competitive opportunity on the most fair and even playing field that we can create.

And the only way, at this point in time, for us to be able to do that is to get some support from the Federal Government and ultimately to preempt those State efforts.

Mr. JOYCE. Ms. Cole, as a student-athlete who has to deal with the ever-evolving situation, in your opinion, what are the greatest misconceptions that the public has about NIL?

Ms. COLE. That is a great question. And I think the main misconception that I have seen is, you know, people really only think of, like, football and collectives whenever this conversation comes

up, and it is really under two different buckets. There is also the whole legitimate NIL side of actually working with brands separately on these different brand deals.

And so there really are, like, two different buckets, and I think a lot of people get them confused. But a lot of my experience and expertise is totally within the more—working with companies to do brand partnerships, which is separate from the collective conversation.

Mr. JOYCE. Coach Beamer, with the remaining time, I wanted to see if there was anything that we haven't discussed today that should be brought into this conversation regarding NIL from your perch.

Mr. BEAMER. No, I think it has been very beneficial for all of us, without a doubt, that we are all pro-student-athlete, but making sure that we understand it is still about the educational experience.

And it hasn't been mentioned, but there are a lot of rules that have come up, there are a lot of laws that have been changed and talked about. One thing that hasn't changed is, student-athletes still have to go to school to be eligible to compete in college athletics. And just making sure that we don't get too far away from the educational model as it stands right now.

Mr. JOYCE. Coach Beamer, I am glad that you put that exclamation point on the question, because the educational model—the experience is important, but to walk away with a class-A educational experience is what student-athletes should want to achieve.

Mr. Chairman, again, I thank you for allowing me to waive on, and I yield back.

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

Now we have Representative Carter for his 5 minutes of questioning.

Welcome, sir.

Mr. CARTER OF GEORGIA. Thank you, Mr. Chairman.

And I appreciate all of you being here. I know you are tired and you are ready to go, so we will try to be succinct and get to the point.

Thank you, Mr. Chairman, for allowing me to waive on as well.

You know, NIL, as we all know, has certainly changed sports, but it is really a great opportunity. And I hope we will recognize the opportunity that it brings for student-athletes as well as for fans like myself, a graduate of the University of Georgia. Go, Dawgs. So, just want to get that out there real quick.

But, nevertheless, it is something that we in the State of Georgia have tried to address, and the State has actually come up with some State laws. The Governor and the State legislature have already passed executive orders and bills to make the State of Georgia one of the country's most competitive NIL-participating States.

And that is one thing that concerns me, and I suspect it concerns all of you all, is that consistency throughout the country. Because that is very important then. And I think that is the role—I hope that is the role, anyway—that the Federal Government can play, is making sure we are consistent.

Another thing that I am concerned about—and I would suspect that, Ms. Cole, you are concerned about this too, and you have mentioned it—is how the proceeds are distributed throughout the sports.

As a student at the University of Georgia in 19-uhh, I will tell you that, you know, I thoroughly enjoyed all the sports that were offered. Obviously I am a big football fan, but I will never forget, I got to see John McEnroe play tennis at the University of Georgia when he played—when he went to 1 year at Stanford. And what a great experience that was. But even the gymnastics, all the other sports are so very important.

Coach, would you agree with that? Would you elaborate just a little bit on how important it is for us to make sure we keep those—I am not going to refer to them as “minority sports,” but—those less popular sports, if you will?

Mr. BEAMER. Yes, sir. And your Georgia Bulldogs come to Columbia tonight for basketball. So go, Gamecocks—

Mr. CARTER OF GEORGIA. They do that.

Mr. BEAMER [continuing]. In Columbia as well.

No, to me, it is—and I tell people this all the time, Mr. Carter—it is what I love about my job, is being in the middle of a college campus, where I am able to be a part of the entire athletic fabric and support all sports and go and watch our men and women compete.

My wife is here with me today, and our three children. They love being a part of a college campus, where we are able to go see the different sporting events. And I have two young daughters that are teenagers that certainly enjoy going to watch sports. And being able to take them and support all of our student-athletes, not just the football program, is something that is very special and important to me.

Mr. CARTER OF GEORGIA. What about South Carolina? Do they have a plan on the sharing among the sports, on the different sports? Is there—or how is that handled?

Mr. BEAMER. Yes, I believe it is obviously in the works. And our athletic director, Jeremiah Donati, has done a great job of spearheading that and communicating to all of us coaches at the University of South Carolina some of his initial plans as we get ready to finalize it.

Mr. CARTER OF GEORGIA. Mr. Whitman, what about at Illinois? How do you all handle that?

Mr. WHITMAN. As at South Carolina, across the country, all of our schools are working to identify what those plans will be, how we will handle the new opportunities that are made available to us through the House Settlement.

But I would just reiterate a point Coach Beamer made, which is, it has become very popular in today's world to take shots at college athletics. There have been a lot of cynics who have developed around the industry of the college athletics ecosystem. And I would just encourage people to spend a day on our campus to really interact with our student-athletes—we have great representatives here on the panel today—but to understand that the core of college athletics remains as true as it has ever been.

It is about education. It is about personal growth and development. It is about how a program like ours at Illinois can bring people together from all walks of life. It is just an incredibly important part of the American tradition.

Mr. CARTER OF GEORGIA. Right.

Mr. WHITMAN. And there is nothing that has changed from that as college athletics has continued to evolve over time.

Mr. CARTER OF GEORGIA. Ms. Cole, let me ask you again, has NIL changed the environment of the team sports and the chemistry between teammates now that money is a factor there?

Ms. COLE. That is a great question. I think we all note the majority of that change is not happening in cross country and track, the sports that I did participate in. So I didn't witness those types of changes yet, but I can see how it would be a factor in other sports.

Mr. CARTER OF GEORGIA. Mr. Egbo?

Mr. EGBO. I mean, yes, I think it is different for every team, you know, different cultures at different teams, but I think, at the end of the day, I said earlier most of the athletes aren't anti-getting-paid. So it is a matter of, you know, just another factor of team culture and chemistry, but it is not a negative factor.

Mr. CARTER OF GEORGIA. Great. I am glad to hear that, and I hope that remains the same as well.

Again, I want to thank all of you for being here. And, you know, we are all big sports fans, and especially college football. I mean, if you live in the South, you are a big college football fan. And we want to see this—we want to get this right. We want to help you, but we don't want to hurt you. But we do want to help you.

So please know that we are on your side, and we are—we really appreciate you coming today and really appreciate your participation in this.

Mr. Chairman, I yield back.

Mr. BILIRAKIS. Never thought I would agree with a Georgia Bulldog, but I do in this case. You know, we don't want to lose the school spirit. That is for sure.

All right. I now will yield some time to the gentleman from Texas, Mr. Pfluger. I believe he is a Red Raider.

Right? Is that right?

Mr. PFLUGER. Well, Mr. Chairman—

Mr. BILIRAKIS. I know you represent Baylor.

Mr. PFLUGER. Well, I am actually an Air Force Falcon—

Mr. BILIRAKIS. Oh, that is right. That is right. Right.

Mr. PFLUGER [continuing]. A student-athlete, which I don't know if we talked about a service captain is. But—

Mr. BILIRAKIS. Absolutely. Go ahead. I yield—

Mr. PFLUGER [continuing]. That is a special—

Mr. BILIRAKIS [continuing]. To you for 5 minutes.

Mr. PFLUGER [continuing]. Special case. Thank you, Mr. Chairman.

I will get right into it. And thank you all for being here. Five minutes is not enough to ask questions.

But, Coach, I will start with you. Do you think that the conferences have aligned themselves as a result of no Federal standard for NIL?

Mr. BEAMER. Well, first of all, thank you for your service to our country as well.

I believe the conferences are certainly, as a whole, trying to align themselves for the betterment of the student-athlete experience and college athletics, but, within that, there are individual States within those conferences that are trying to find a competitive advantage to better their individual States, as we have discussed in here.

Mr. PFLUGER. One thing I am worried about is just having, you know, East Coast, West Coast—you know, you have got UCLA and Rutgers in the same conference. And as a student-athlete, I mean, that is a tough—especially if you are playing multiple games, that is a very tough thing. So lack of a Federal standard, I think, is an issue.

And then I will go a step further and get your thoughts on the threat to the nonrevenue-generating sports, the threat to women's sports. You know, talk to me about, is there such a thing as too much market share for one conference or another? And we are seeing a lot of domination, and does that then affect how the Title IX sports and how the nonrevenue Olympic sports are able to actually exist?

Mr. BEAMER. Yes, certainly with the upcoming settlement next month, it would better the situation for the nonrevenue sports, because they would all be part of a roster cap that they are all on scholarship as well.

And I am all for that, absolutely, as those sports continue to advance. I mean, these are three fantastic athletes right here, and I know two of them were in football, but with Emily from track and field as well, we want those opportunities to continue for all student-athletes.

And you have seen what the student-athlete experience can do for people, with these three being here today. I know, as a guy that is going to be 48 at the end of the month, I was nervous as heck coming in here today. And to see what they have been able to do as young people because of their experience as student-athletes, I have so much respect for and want the continued advancement of all student-athletes in all sports.

Mr. PFLUGER. Mr. Chairman, there is a tweet by RGIII. It says, "The Soul of College Football is dying because of money. Allowing the Big 10 and SEC to get 4 automatic bids into another expanded College Football Playoff"—anyways, I want to enter this into the record, because I think it is important.

Mr. BILIRAKIS. Without objection.

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

Mr. PFLUGER. Thank you.

And I love competition, love the fact that—Mr. Egbo, I will go to you, because I am 90 miles south of you in my hometown of San Angelo. So thank you for representing Abilene Christian here. And talk to us about the pros and cons of being a student-athlete.

Coach, I love what you said about being a student-athlete. That is the most important thing. I was a student-athlete, if you can call it that at an Air Force Academy. It is more of a, you know, military school.

But talk to us about the opportunities that you have been provided because of being a student-athlete.

Mr. EGBO. Greatest experience. I mean, you said there is nothing like it, and it is true, and I am an embodiment of that.

I mean, the opportunity that I got to walk on to Abilene Christian, it eventually paid for my undergraduate and graduate. It allowed me to work with the president of my university. I was a presidential intern my senior year. It allowed me to make the connections I have made. Student-Athlete Advisory Committee at the national level.

I mean, you can point almost to every good thing that has happened in the last 5 years to some sort of experience as being a student-athlete. It is the greatest experience that I think exists in this country.

Mr. PFLUGER. Folks at Abilene Christian would be very proud of you. They are very proud of you for representing so well today.

I am sorry I don't have time to go to everybody, but I will go to Ms. Cole, because I have three daughters, and, you know, wanting them to have that experience. And, you know, what is, in your—wave your magic wand, and what is the—what needs to be fixed first, from your perspective?

Ms. COLE. Yes, absolutely. Thank you so much for the question and also for everything you do for the great State of Texas. I am actually from Houston, so—

Mr. PFLUGER. Oh, great.

Ms. COLE. Yes. I am very grateful for everything that you do.

But I actually—I think that there should be a big emphasis on giving these female athletes the same platform and voice that the male athletes have been given. And that is something that we have been able to see happen through social media and all of these female athletes being able to prove that they can sell tickets and they can make money.

And, obviously, there is still a lot of work to be done, but I really believe in the power that social media has had in helping these female athletes have the platform and voice to show that we can do the work and have the potential to drive the same progress and revenue that men's sports do.

Mr. PFLUGER. Fantastic.

Mr. Chairman, I have to thank you for continuing to lead on this issue, with all the other things that we are doing.

Having these three student-athletes here, but also the experience you get—I think you are right, Mr. Egbo, that, you know, learning how to be on a team, learning how to compete, that is a skill for life.

And I know Coach—by the way, "Sandstorm," interesting how that has just been a phenomenon that has taken off. That doesn't have anything to do with NIL. But, Chairman, thank you for—it is the song they play in advance of the games at the South Carolina Gamecock football games. They have this European dance song that they play.

Mr. BEAMER. He has heard it as a Gator when they have come to Columbia.

Mr. PFLUGER. Anyways, Mr. Chairman, great job, and I yield back.

Mr. BILIRAKIS. My pleasure. Thank you.

I just want to tell you all, you all did an outstanding job. And I appreciate, it is a sacrifice, the time that you have given to us today.

And I am telling you, we are going to get a good bill. We are going to build some consensus on both sides of the aisle, partially because of your testimony today. So we appreciate you so very much.

I ask unanimous consent that the documents on the staff document list be submitted for the record.

Without objection, so ordered.

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

Mr. BILIRAKIS. I remind Members that they have 10 legislative days to submit questions for the record. And I ask the witnesses to respond to the questions promptly. Members should submit their questions by the close of business on March 18th.

So, without objection, the subcommittee is adjourned. Thank you so very much. We appreciate all of you.

[Whereupon, at 1:25 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

Documents for the Record

03.04.2025 CMT Hearing

“Moving the Goal Posts: How NIL is Reshaping College Athletics”

1. Letter from Green and Spigel LLC and Law Office of Amy Maldonado LLC, submitted by the Majority.
2. Letter from the University of Nevada, submitted by the Majority.
3. Article from the Atlanta Journal, “The Peach Bowl is more than just a football game,” submitted by the Minority.
4. Letter from the Women’s Sports Foundation to Judge Wilken, submitted by the Minority.
5. Letter from Charlotte North to Judge Wilken, submitted by the Minority.¹
6. House Settlement Objection Title IX (Kacie Breeding), submitted by the Minority.¹
7. Letter from the Infectious Diseases Society of America to Chairman Guthrie and Ranking Member Pallone, submitted by the Minority.
8. In Re Collegiate Athlete NIL Litigation, Objection to Settlement Agreement, submitted by the Minority.¹
9. NCAA External Gender Equity Review, Phase I: Basketball Championships, by Kaplan Hecker & Fink LLP, submitted by the Minority.¹
10. NCAA External Gender Equity Review, Phase II, by Kaplan Hecker & Fink LLP, submitted by the Minority.¹
11. Expert Report of Barbara Osborne to House Filing, submitted by the Minority.¹
12. Article from the Washington Post, “Hiring freezes, fewer grad students: Funding uncertainty hits colleges,” submitted by the Minority.
13. Letter from Michele Roberts, Richard Ford, and Casey Floyd to Judge Wilken, submitted by the Minority.¹
14. Post on X by Robert Griffin III, submitted by Rep. Pfluger.

¹The information has been retained in committee files and is included in the Documents for the Record at <https://docs.house.gov/meetings/IF/IF17/20250304/117989/HHRG-119-IF17-20250304-SD003.pdf>.

The Honorable Gus Bilirakis, Chairman
 Subcommittee on Commerce, Manufacturing and Trade
 Committee on Energy and Commerce
 2125 Rayburn House Office Building
 Washington, DC, 20515-6115

February 28, 2025

RE: Urgent Need for Legislative Action on Immigration Compliance for Institutions Involved in Collegiate Sports

March 4, 2025

March 4, 2025/4/2025/4/2025

Dear Chairman Bilirakis and Members of the Subcommittee on Commerce, Manufacturing and Trade,

We would like to bring to the attention of Congress an urgent legal issue affecting international student-athletes playing intercollegiate sports. Given the imminent shift toward a “direct payment” compensation model in intercollegiate athletics, there is a very high likelihood that universities will not be able to keep international student-athletes on the rosters of revenue-generating sports while also being compliant with immigration law. This issue, which stems from the limited employment authorization available to F-1 student visa holders, first arose in 2021, and has been exacerbated by both recent developments in NCAA athletics and the inaction of the Biden Administration. The Biden Administration and former Secretary of the Department of Homeland Security Alejandro Mayorkas never issued guidance or policy on immigration compliance in the context of NIL or direct payments, despite this issue coming about while they were in power.

Historically, NIL-related immigration compliance was seen as a concern only for individual athletes. If international student-athletes violated the terms of their F-1 visa, the consequences—visa revocation, deportation, or reentry denial—were theirs alone to bear. Universities operated largely on the sidelines, uninvolved and unaffected. The proposed *House vs. NCAA* settlement and legal efforts to classify student-athletes as employees not only shift the burden of compliance to universities but also create the impossibility of compliance, as discussed below.

Direct institutional payments to student-athletes

- On October 7, 2024, Federal Judge Claudia Wilken granted preliminary approval of the *House vs. NCAA* settlement, the terms of which call for direct revenue-sharing payments from the school to student athletes. If final approval is granted following a fairness hearing schedule for April of 2025, at the beginning of the 2025-26 academic year, schools will commence the distribution of \$20-21 million in direct payments to student-athletes per school. While the settlement leaves the manner and amount of distribution to the schools, stakeholders project that the funds will be allocated primarily or exclusively to athletes on

the rosters of “revenue-generating sports,” broadly understood to include men’s and women’s basketball and football.

Several states, including the Commonwealth of Virginia, have passed laws allowing direct payments, in anticipation of the *House v. NCAA* settlement. And schools like Virginia Commonwealth University have already announced their intention to commence payments this fall.¹

Many universities hope to mitigate risks by structuring direct payments to athletes as independent contractor agreements, avoiding the “employment” label to sidestep compliance challenges. Potential “misclassification” issues under labor law aside, immigration law makes no distinction between independent contractors and employees. Thus, the independent contractor approach not only fails to protect international student-athletes but also leaves universities vulnerable to liability for “knowing hire” violations under DHS regulations.

Student-athletes as employees

While direct payments may be sustainable under a rubric of disingenuously applied terms that obfuscate the reality² that this is pay-for-play compensation, tied directly to the athletic value of the recipient, the classification of athletes as “employees” leaves no such room for interpretation. If student-athletes are classified as employees and receive payments for their services, they are blatantly in violation of the terms of their F-1 status, and their respective employers are liable for hiring unauthorized workers.

On February 5, 2024, the National Labor Relations Board Region 01 issued a Decision determining that Dartmouth’s NCAA D1 men’s varsity basketball team players are “workers” under the National Labor Relations Act eligible to unionize. We have attached the decision for your review.³

The NLRB appeared to have no awareness that while *membership* in an *organization* such as a union does not violate F-1 nonimmigrant status, *working without authorization does constitute such a violation*, and jeopardizes future visa renewals which may not be reviewed or appealed.

The current regulations authorizing employment for F-1 nonimmigrant students do not cleanly encompass compensation related to participation in a collegiate athletics program.

While Dartmouth men’s varsity basketball team ultimately decided not to unionize, the characterization of F-1 international student-athletes as workers, or employees, makes urgent the

¹ <https://www.si.com/fannation/name-image-likeness/nhl-news/virginia-commonwealth-opts-into-house-settlement-revenue-sharing#:~:text=Virginia%20Commonwealth%20will%20begin%20to,reportedly%20be%20about%20%245%20million.>

² *Johnson v. NCAA*, No. 22-1223 (3d Cir. 2024) (“As scholars have noted, the term is an NCAA marketing invention, designed to ‘conjure the nobility of amateurism,’ assert ‘the precedence of scholarship over athletic[s],’ and ‘obfuscate the nature of the legal relationship at the heart of a growing commercial enterprise.’”) (quoting *Johnson v. NCAA*, No. 22-1223 (3d Cir. 2024)).

³ The NLRB rejected Dartmouth’s reliance on another case involving graduate students at MIT, stating, “The Decision and Order applied only to the particular graduate fellows at issue in that matter and did hold not that no international students can be members of a labor organization without compromising their immigration status.” The Decision further stated in FN 29, “Indeed, many of the research assistants and teaching assistants who are members of MIT’s existing graduate student union are international students. Some of the graduate fellows at issue in Massachusetts Institute of Technology were themselves members of that union because they were employed as research assistants in addition to being graduate fellows.”

need to clarify what F-1 international student-athletes may and may not do without violating their F-1 nonimmigrant student status and jeopardizing future visa renewals.

As a result, it critically important that guidance be issued by DHS and State as soon as possible to the more than 20,000 international student collegiate athletes (who may now be found retroactively to have violated status by USCIS, ICE, CBP or State based on the recharacterization of at least some of their athletics program activities as “employment”).

Lack of guidance on NIL/F-1 maintenance of status issues since 2021

Questions regarding maintenance of status issues for NCAA F-1 international student-athletes due to unauthorized employment have arisen since the 2021 Supreme Court decision in *NCAA vs. Alston*, 141 S. Ct. 2141 (2021) paved the way for NCAA athletes to earn money for use of their Name, Image and Likeness (NIL). States immediately started passing legislation to that effect.

On June 21, 2021, U.S. Immigration and Customs Enforcement’s Student and Exchange Visitor Program (SEVP) issued a [Broadcast Message](#) stating:

The Student and Exchange Visitor Program (SEVP) is aware of and actively monitoring proposed federal and state legislation pertaining to the use of name, image and likeness for student-athletes, including F and M nonimmigrant students. The program is working with its partners within the U.S. Department of Homeland Security to review how this legislation affects international student-athletes and will provide updated guidance via Broadcast Messages, Study in the States, social media and SEVP field representatives.

Misinformation has proliferated, as no guidance has ever been issued whatsoever from the U.S. Department of Homeland Security (agencies U.S. Citizenship and Immigration Services or ICE SEVP) or the U.S. Department of State as to what these F-1 student-athletes are and are not allowed to do.

In response to the attached March 23, 2023 letter from Senators Richard Blumenthal and Chris Murphy raising this issue to DHS, DHS Secretary Alejandro Mayorkas [testified](#) before the Senate Judiciary Committee on March 28, 2023, “*Senator, thank you for your letter on this subject which brought the issue to my attention. I was not aware of it previously. We are indeed of looking at the issue very carefully. And I hope quickly. And we will move with deliberate speed...We’ll move as quickly as we can, Senator.*”

No action was ever taken or guidance issued by the Biden Administration.

Issues with workarounds

While some immigration attorneys have been able to obtain EB-1A extraordinary ability immigrant visas, O-1 or P-1 visas for international student-athletes to benefit from NIL, the vast majority do not qualify. In addition, USCIS under the Biden Administration took untenable positions in the absence of guidance in the USCIS Policy Manual, such as NCAA Division 1

basketball does not constitute an internationally recognized level of competition for P-1 purposes, despite the fact that:

1. Evidence of having participated to a significant extent in a prior season for a U.S. college or university in intercollegiate competition is one of the ways in which an individual athlete may evidence that he or she has achieved international recognition in a sport.
2. The NCAA earned [\\$1.14 billion in revenues in 2022](#), with roughly a billion of these earnings made from March Madness (NCAA D1 Basketball).
3. Broadcast rights continue to be a good source of income for the NCAA with [\\$873 million generated in 2023](#); CBS Sports and Turner Broadcasting found their returns profitable enough to extend their contract until 2032.

We are part of a legal team that challenged the Biden Administration's denial of a P-1A visa to Last-Tear Poa, an NCAA D1 women's basketball player at LSU. When we raised the issue of "arbitrary and capricious" decisions by the agency in the absence of legal guidance by highlighting other P-1A filings which have been approved.

International Athletes are an Integral Part of the Athletic Success of US Universities

There are currently nearly 25,000 international athletes competing in the NCAA. Most of these international athletes hail from countries that many consider our closest allies, including the United Kingdom, Canada, and Germany. For many programs, international athletes have been instrumental in their recent success. For example, the last two Consensus Player of the Year awards have gone to foreign nationals – Zach Edey of Purdue and Oscar Tshiebwe of Kentucky. Currently, between the top 5 ranked teams in Men's Division I Basketball, there are 14 international players.

In 2023, the University of Texas women's Track & Field team won the national championship with 83 points, 78 of which were scored by international athletes. To address the concern that we may be "training our competition," it is worth noting that at the 2023 World Athletics Championships, the US comfortably led the medal count with 29, with the next country on the list having only 12.

Urgent Congressional Action is Required

This is not just a niche issue affecting a handful of athletes but a pressing institutional compliance challenge with far-reaching consequences. If Congress and/or DHS fail to act ahead of the implementation of direct payments, universities will bear the significant risk of violating DHS regulations concerning the use of unauthorized labor. And while there is palpable tension in the industry between those who favor federal regulation of NIL and those who prefer to regulate NIL at the State level, consistent with the Plenary Doctrine, the immigration aspects of NIL and direct payments can *only* be regulated by the federal government. As such, Congress is uniquely positioned to create an avenue for compliance for the academic institutions involved in collegiate sports. While broader immigration legislation may face partisan hurdles, all Americans, regardless of their political affiliation revere their alma maters and love college sports.

Therefore, we urge Congress to take immediate action to provide universities with a clear, lawful pathway to comply with federal immigration regulations while maintaining the integrity and competitive advantage of their athletic programs. Legislative action is necessary to create a visa framework that accommodates international student-athletes in the evolving landscape of collegiate athletics, ensuring that both universities and athletes are not forced into an untenable position. We stand ready to work with lawmakers to craft a viable solution that upholds the principles of both immigration law and fair competition in intercollegiate sports.

Respectfully submitted,

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UNIVERSITY OF NEVADA

March 3, 2025

Chairman Bilirakis
2306 Rayburn HOB
Washington, D.C. 20515

Dear Chairman Bilirakis:

In anticipation of Tuesday's "Moving the Goalposts: How NIL is reshaping college athletics" hearing, the University of Nevada wishes to express our unequivocal support for the need for and passage of federal legislation relating to Name, Image, & Likeness ("NIL") within college athletics. To the extent possible, potential legislation should (1) preempt any and all state law pertaining to NIL and (2) provide limited liability safe harbor protections so that college athletics can create and enforce reasonable and uniform national rules. While we acknowledge that much more support will be needed in this space in the coming years, these initial concepts will go a long way toward providing stability to what is a volatile college sports landscape.

At a time when the NCAA finds itself under scrutiny on a variety of fronts including but not limited to paying student-athletes and eligibility requirements, the current state of college athletics is not recognizable. While a majority of college administrators are genuinely supportive of student-athletes being able to make a profit off their name, image, and likeness, that was based on the idea that student-athletes would engage in their local communities and find real opportunities to promote local ventures via their platforms. Instead, we saw the creation of entities (collectives) whose primary purpose was to incentivize recruits with unenforceable financial promises as well as provide what amounted to pay-for-play arrangements for current student-athletes dressed up as NIL opportunities. That reality, coupled with the proliferation of unlimited transferring, has created an environment that actively encourages the breaking of NCAA rules (e.g. tampering) that were originally enacted for the purpose of fair play. Today, there is a general acceptance that the NCAA is unable to enforce their own rules while they face down what amounts to a never-ending number of legal challenges.

It's against this backdrop that we again emphasize the importance of federal legislation that will help mitigate the significant challenges facing college athletics. Currently, there are over 30 states who have passed laws regulating aspects of college sports. Depending on the state, you could enjoy a significant advantage or face adverse conditions. Regardless, the current setup has made it nearly impossible to provide a level playing field for college athletes. Your ability to succeed should not be tied to what state your institution resides. Yet, that is where we find ourselves today. Federal legislation preempting these disparate state laws would go a long way in providing some level of equal footing as it relates to name, image, and likeness.

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Additionally, the need for some level of limited liability safe harbor protection is equally important. Many of the biggest issues facing college sports are the result of legal actions that the NCAA is currently unable or ill equipped to properly handle. The current playbook for anyone who doesn't like an NCAA decision is to pursue legal remedies in strategically identified forums. When relief is provided, temporary or otherwise, it sends massive ripples throughout the industry that isn't always applied correctly by member institutions. It's a poor system that will continue to be exploited absent some level of protection afforded to the NCAA that will allow them to actually enact and enforce sensible rules without the threat of subsequent legal proceedings.

No institution is immune from the many challenges that accompany the current NIL landscape. The issues faced, while varied in some respects, are relatively similar and generally only differ as a matter of scale. As a member of the Mountain West conference and a participant within the group of six conferences, we are not exempt from those challenges. However, one aspect that is unique to similarly situated institutions is the unchecked tampering and pilfering of top-level talent by institutions who enjoy greater financial resources. This reality is only going to become more pronounced with the anticipated implementation of "revenue sharing" payments from the House settlement. The current landscape truly is the wild west as institutions with financial means freely engage athletes who are not in the transfer portal without fear of consequence due to the NCAA's limited enforcement abilities. These realities need to change and change immediately for the sake of college athletics.

We recognize the difficulty facing this subcommittee as you wrap your arms around this nuanced matter. It's complicated, varied, and constantly evolving. As a long-time administrator, I have witnessed this thing that we've dedicated our careers to, effectively go off the rails in a matter of five short years. We cannot emphasize enough how sensible federal legislation is needed at this point in time. The current state of college athletics needs your leadership to bring common sense changes that can bring stability to an industry desperate in need of it.

Thank you for your time.



Stephanie Rempe
Director of Athletics
University of Nevada

OPINION

By Percy Vaughn

In an era when division often dominates the national dialogue, sports – and especially college football – stand as a unifying force that bridges cultural, social, economic and political divides. At the heart of this is the Peach Bowl Inc., an Atlanta-based organization that hosts the Chick-fil-A Peach Bowl, the Atlantic Kick-off Game, the Southern Company Peach Bowl Challenge charity golf tournament and operates The Dodd Trophy, presented by PNC Bank.

This season, in the first year of the expanded 12-team College Football Playoff, the Chick-fil-A Peach Bowl will host two of the nation's top teams to compete on Jan. 1 in its first-ever CFP quarterfinals, leading up to the national championship in Atlanta. And to open the season, it hosted Clemson and Georgia, two playoff teams, in the Atlantic Kick-off Game.

Additionally, Peach Bowl Inc. was the original recruiter and founding sponsor that helped bring the Chick-fil-A College Football Hall of Fame to Atlanta and has invested \$13 million into the facility. Needless to say, Peach Bowl Inc. has played a massive role in establishing Atlanta as the "Capital of College Football."

With this recognition comes influence, and Peach Bowl Inc. President and Chief Executive Officer Gary Stokan has embraced the unifying power of football not only to stand apart from other bowl organizations and deliver thrilling matchups on the field but also to create profound, positive change off the field for our community.

Through donating more than \$65 million in charity and scholarships since 2002, Peach Bowl Inc. has earned its title as college football's most charitable bowl organization. In fact, for the past 18 consecutive years, the bowl has surpassed \$1 million in charitable giving. For 2024, it pledged \$2 million to a wide array of initiatives, including disaster relief, education and pediatric health care, standing as the largest donation by any bowl game in the country.

As fans gather to cheer for

The Peach Bowl is more than just a football game

Through football, we find common ground and rally around a shared mission of driving meaningful impact in our communities.



Fans attend the 2023 Chick-fil-A Peach Bowl at Mercedes-Benz Stadium. This year's game on Wednesday is part of the first-ever College Football Playoff quarterfinals as No. 5 Texas plays No. 4 Arizona State. A.C.F. FILE

their favorite teams, the Peach Bowl reminds us that football is more than a game; it's a platform for compassion, community and connection. The bowl's unparalleled philanthropic efforts are proof that, through football, we can find common ground and rally around a shared mission of going beyond what happens on the field to drive meaningful impact in our communities.

The Peach Bowl was created in 1968 as a fundraiser for the Georgia Lions Lighthouse Foundation, so its involvement in philanthropy goes all the way back to its beginning and is a part of its mission. A commitment to scholarship, charity

and using football for the greater good in our community is what truly drives our home-town bowl game. The bowl's impact is perhaps most visible in its fight against childhood cancer through the Peach Bowl Legacy Fund. Established with a \$20 million gift to the Atlantic Cancer and Blood Disorders Center of Children's Healthcare of Atlanta in 2019 – the largest single donation in bowl history – the fund honors the life of Anna Charles "AC" Hollis, the daughter of Peach Bowl Inc. Vice President of Sales Benji Hollis. AC died from leukemia in 2018. This initiative focuses on funding the most

promising clinical drug trials for children, offering hope and new treatment options to families in need. Through its Touchdowns for Children's program, fans also play a role in this mission, giving them the opportunity to pledge a donation based on how many touchdowns their team scores throughout a season. Over the past eight seasons, this initiative has raised nearly \$3.5 million for patients at Children's Healthcare of Atlanta, including \$1.9 million in matching funds contributed by Peach Bowl Inc. Through the original \$20 million gift and the additional \$3.5 million in donations,

Peach Bowl Inc. is now funding 14 clinical trials in five hospitals across four states in an effort to eradicate childhood cancer.

The bowl exemplifies its commitment to education, community and compassion through impactful initiatives and partnerships. Its collaboration with the College Football Playoff Foundation's Extra Yard Makeover initiative provided funds to upgrade media and technology centers at eight underserved metro Atlanta schools, and a 2017 partnership funded a \$2 million, three-year early childhood literacy initiative, equipping 1,500 Atlanta Public School teachers with enhanced literacy instruction methods for 25,000 students.

The bowl also supports education through its John Lewis Legacy of Courage Scholarship, which has \$8.5 million in endowment assets across 35 universities for Georgia students from Title I high schools.

Beyond education, the Peach Bowl extends its reach to crisis relief, contributing to efforts after the 2007 Virginia Tech shooting, as well as after hurricanes Katrina, Rita, Harvey, Helene and Milton – including a recent donation of \$500,000 to aid Southeastern communities affected by Helene and Milton. These actions showcase its commitment to fostering hope and resilience nationwide.

Football can change lives, and the Peach Bowl is driven to do what it can to help people in need. It shows us that football has the power to unite and provides an example of how a bowl game can create a deep-set tie to its community. Whether it's rallying fans to support childhood cancer research, helping schools create better learning environments or providing relief to disaster victims, the Peach Bowl turns moments of collective passion into meaningful impact.

Football might be just a game, but Peach Bowl Inc. and Stokan recognize the sport's ability to bring people together and create positive change in people's lives through football. Its impact will long outlive the memory of the game and will create a legacy we can all embrace and be proud to call a part of the Atlanta community.

Percy Vaughn, the vice president of Southern region operations for Kia America, was chairman of Peach Bowl Inc. from 2015 to 2018.

College athletes should have employee rights

The NCAA's bogus argument uses prison labor slavery exception to object to employee status for athletes.

By Paul L. McDonald

NCAA sports are big business, wholly dependent on college athlete performance. In December 2023, the NCAA reported 2022 revenue of almost \$7.5 billion from Division I athletics. More than the

NBA or MLB. Second only to the NFL, the NCAA insists – in court and Congress – that college athletes be denied the same employee status as students selling popcorn at games.

In court, the NCAA compares college athletes to prison labor under the 13th Amendment "slavery exception" discussed in *Ada Delvermyer's* Netflix documentary "13th."

I'm not kidding. Read the case cited by the NCAA: *Vandike v. Peters*. The 3rd Circuit did, and it issued a stunning rebuke in *Johnson v. NCAA*. "We disagree with [the] comparison of college athletes to prisoners and refuse to equate a prisoner's involuntary servitude, as authorized by the 13th Amendment, to the 'long-standing tradition' of amateurism in college athletics."

It turns out that Comedy Central's South Park plantation satire "Student ATH-O-LETS" accurately depicts the NCAA's argument. It's a racist argument, and NCAA President Charlie Baker must be held accountable.

In Congress, the NCAA says



Students selling popcorn at NCAA games are employees, but the ones on the field are denied that status. The NCAA's argument that students should not be college employees ignores the success of work study programs, writes attorney Paul L. McDonald. A.C.F. 2024

college athletes must be denied employee status "to keep them students," suggesting students are not – and should not be – college employees.

But that is a lie. For more than 50 years, students have been employed and paid hourly on a minimum wage scale in work study programs – including students on academic scholarships. There are student employees in campus offices, libraries and dining halls – and, again, at NCAA games. Benefits to families are significant. Hourly pay is fungible "walking around" money that can be spent on anything – not just academic expenses, as scholarship funds are defined. Hourly pay provides money that otherwise must come out of parents' pockets.

The lawsuit *Johnson v. NCAA* maintains college athletes meet employee criteria under the Fair Labor Standards Act more than students in work study programs.

The most important student employee criterion is degree of control by college supervisors. The more control, the more likely an employee. This criterion precludes employee status for activities listed in student-run group directories – publications, social clubs, drama, bands and club sports – because, by definition, colleges lack supervisory control of student-run groups. The benchmark is work study programs, and, by comparison, college athletes are far more controlled by NCAA bureaucrats.

The kicker: Under NCAA Division I bylaws, college athletes must keep true sheets, just like students in work study programs. So, what could be the objection to folding college athletes into existing programs on par with existing student employees? Objection cannot be a compliance "parade of horrors" never noted in decades of work study-style programs. For example, student employment by colleges is exempt from FICA taxes.

Objection cannot be affordability. There are no complaints about work study-style pay, on a minimum wage scale, is unaffordable. On the other hand, colleges are overpaying athletic staff – and overspending on athletic facility amenities – because college athletes labor has been free.

In lieu of adding reasonable hourly pay for college athletes to budgets, colleges could maintain budget neutrality, at no extra cost, by reallocating a fraction of the combined, highest salaries of athletic staff. Former Michigan football coach Jim Harbaugh was on board, stating at the 2023 Big Ten Championship media call: "Who could be against the players being compensated for what they do? At least even minimum wage ... I would take less money for the players to have a share."

And remember, 2022 NCAA Division I revenue was almost \$7.5 billion, i.e., pro league levels. Like pro leagues, richer college programs could provide financial assistance to smaller programs akin to "luxury taxes" or NBA subsidies to the WNBA.

Objection cannot be the spurious claim that athletes employed could be "fired" for dropping a pass or missing a shot. The NCAA well knows an employment contract would prohibit such "firing." Just like NCAA Division I bylaws prohibit reduction or cancellation of a scholarship "on the basis of a student-athlete's athletic ability, performance or contribution to a team's success."

Moreover, the Johnson case is fair to all college athletes. The case values all men's and women's sports – not

just football and basketball. It recognizes that, by law, degree of profitability is irrelevant to employee status. For example, in-house legal, human resources, purchasing, records, information technology and maintenance departments are "nonrevenue" – as are work study-style jobs.

Johnson base pay for all, based on standardized hours of NCAA Countable Athletically Related Activities (20 hours per week), addresses pay disparities attributable to separate name, image and likeness (NIL) sponsorships and revenue-sharing offered to fewer athletes, based on individual and sport popularity.

For Congress, denying college athletes the same student employee status as students selling popcorn at games should be a nonstarter. Not only because such NCAA-lobbed legislation is premised on the NCAA's racist "slavery exception" argument and the "keep them students" lie contradicted by decades of work study-style programs, but also because it violates equal protection under the Constitution, which prohibits the government from treating students differently in this manner.

When the NCAA, spurred on by legislators and courts, has permitted college athletes to exercise NIL rights, colleges acknowledged that athletes should have the same rights by other student employees.

College athletes should have the same student employee rights, too, and the Constitution requires it of any NCAA legislation.

Paul L. McDonald is a co-counsel for the college athletes plaintiffs in *Johnson v. NCAA* and was named by Sports Illustrated as one of the 20 Most Influential Black Figures in College Football.



Women's Sports Foundation
247 W. 30th St.
5th Floor
New York, NY 10001

RECEIVED

FEB -5 2025

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



National Women's Law Center
1350 I Street NW
Suite 700
Washington, DC 20005

January 31, 2025

The Honorable Claudia Wilken
United States District Court
Northern District of California
Ronald V. Dellums Federal Building & United States Courthouse
c/o Class Action Clerk
1301 Clay Street
Oakland, CA 94612

Re: House v. NCAA, Case No. 4:20-cv-03919-CW

Dear Judge Wilken,

As organizations concerned about gender equity in sports, we are writing to urge you to more fully scrutinize the impact on women resulting from the proposed settlement agreement in *House v. NCAA*. We are concerned that there is a misrepresentation of Title IX protections contained within the settlement and that calculations for past damages allocations will be assumed permissible for future payments. In order for this settlement to fairly and adequately serve student-athletes, the interest of *all* eligible student-athletes must be equitably respected.

Release of Title IX Claims

The initial filing of *House v. NCAA* noted the historic mistreatment of women athletes, yet women athletes, for whom there is no separate class representation, are expected to receive less than 5% of back pay¹. At the September 5, 2024 hearing, counsel for both Plaintiffs and Defendants represented to this Court that the settlement would not include a Title IX release. This was confirmed in Plaintiffs' Supplemental Brief: "In further response to the Court's questions and directions, the parties also have amended the Settlement Agreement to expressly provide that the release of claims by class members does not extend to any Fair Labor Standards Act or similar labor law claims, any claims asserted against the Ivy League rule in the Choh litigation, or any Title IX claims."² **Nonetheless, the subsequent Amended Settlement Agreement submitted to this Court contradicts these prior statements by releasing all Title IX claims related to payment of *past damages*.** More specifically, as preliminarily approved, the amended settlement agreement lists as unreleased: "Claims under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., other than any claims arising out of or relating to the distribution of the Gross Settlement Fund."³

¹ SI.com. (September 5, 2024). Current and former college athletes claim House v. NCAA settlement 'undercompensates female athletes.' Retrieved from: <https://www.si.com/college/gonzaga/basketball/current-and-former-college-athletes-claim-house-v-ncaa-settlement-undercompensates-female-athletes-01j71hrwngsn>

² Plaintiffs' Supplemental Brief in Support of Motion for Preliminary Settlement Approval at 5, House v. NCAA, Case No. 4:20-cv-03919-CW. (Emphasis added.)

³ Amended Stipulation and Settlement Agreement at 15, House v. NCAA. Case No. 4:20-CV-03919.

Using Settlement Distributions for Future Payments

We fear that schools, which have historically inequitably allocated resources to men's sports, will continue this pattern by using the allocation of past damages as permission to allocate future payments similarly. In fact, many schools have begun to share their plans on revenue distribution, with some intending to distribute as much as 75% to men's football players and 18% to men's basketball players.⁴ This distribution will violate Title IX. In fact, guidance published by the Office for Civil Rights on January 16, 2025⁵ states "compensation provided by the school for the use of a student-athlete's NIL constitutes athletic financial assistance under Title IX." And, it further states that financial assistance must be made available to male and female student-athletes in a manner that is substantially proportionate to the number of students of each sex participating in intercollegiate athletics at that school. The intent expressed by many schools to provide at least 90% of the revenue share to male athletes clearly contradicts this guidance. **We ask you to make clear that the allocation of settlement funds should not be used as the default formula for future payments nor presumed compliant with Title IX.**

Insufficient Representation

Finally, given the absence of separate legal representation for women athletes, we are concerned that women have not received sufficient information regarding their rights to opt-out, object, or submit a claim. The January 31, 2025 deadline for submissions to the court of exclusions and objections, when paired with such momentous consequences, provides a woefully inadequate window during which thousands of women athletes are expected to be notified and informed of the implications of the preliminary *House* settlement terms. Forfeiting the right to submit Title IX claims in exchange for an estimated 5% of past due damages is not only an exorbitant price to pay, but it also highlights the absence of representation for the interests and rights of women athletes.

The final approval of the settlement must grant *all* student-athletes the academic, athletic, and financial benefits of their endeavors without forfeiting their legal rights. Title IX has created pathways of opportunity for women athletes for over 50 years and those opportunities should not be negated in this settlement. We urge you to only approve a final settlement which contains clear language that no Title IX rights are released and specifies the allocation of settlement funds should not be used as the default formula for future payments nor be presumed to be compliant with Title IX.

We thank you for your attention to this matter.

Sincerely,

Danette Leighton
CEO, WSF

Neena Chaudhry
Vice President and General Counsel, NWLC

Sarah Axelson
Vice President, Advocacy, WSF

Shiwali Patel
Senior Director of Safe and Inclusive Schools, NWLC

⁴ Atozsports.com. (December 17, 2024). Texas Athletics' revenue sharing model likely similar to what Texas Tech is planning for Red Raiders' athletes. Retrieved from: <https://atozsports.com/college-football/texas-longhorns-news/texas-athletics-revenue-sharing-model-likely-similar-to-what-texas-tech-is-planning-for-red-raiders-athletes/>

⁵ Fact Sheet: Ensuring Equal Opportunity Based on Sex in School Athletic Programs in the Context of Name, Image, and Likeness (NIL) Activities at 8. United States Department of Education Office for Civil Rights. Retrieved from: <https://www.ed.gov/media/document/ocr-factsheet-benefits-student-athletes>







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March 3, 2025

Dear Chair Guthrie and Ranking Member Pallone,

The Infectious Diseases Society of America (IDSA) is deeply grateful for the longstanding bipartisan support for the National Institutes of Health (NIH) and we want to inform you of current and likely impacts of reducing federal support for facilities and administrative costs (F&A or indirect costs) and halting or delaying standard NIH procedures such as study section meetings and advisory council meetings to review grant applications. We request that you urge the Administration to fully resume standard funding procedures at NIH so that critical research and training may proceed without further delay. We oppose cuts to NIH funding and urge that any changes to NIH operations or funding should include a robust congressional process with meaningful opportunities for researchers, clinicians, patients and the public to provide input and work with you to devise innovative solutions. We implore you to protect our nation's biomedical research infrastructure that has long been the global gold standard, has delivered lifesaving cures to millions of Americans and remains an important engine of our economic prosperity.

INFECTIOUS DISEASES RESEARCH

NIH, and particularly the National Institute of Allergy and Infectious Diseases (NIAID), supports essential research on infectious diseases that leads to the development of life-saving vaccines, diagnostic tests and treatments for serious infectious diseases, including:

- Emerging threats like avian flu and other respiratory illnesses (e.g. RSV and seasonal influenza)
- Smallpox, anthrax, and other pathogens categorized as posing the greatest risk to national biosecurity
- Foodborne illnesses
- Mosquito- and tick-borne diseases, including dengue, Lyme disease, West Nile virus and others
- Viruses most likely to cause future pandemics
- Antimicrobial-resistant bacteria and fungi
- Ebola and other hemorrhagic fevers
- HIV
- Tuberculosis
- Sexually transmitted infections that are becoming more common and increasingly resistant to treatment (e.g. syphilis)

Funding cuts and policy changes that limit this research will make Americans significantly less safe, less healthy and less prosperous as pathogens spread through the country affecting multiple areas of daily living.

FACILITIES AND ADMINISTRATIVE COSTS

March 3, 2025

Page 2

Reductions to F&A support strike at the heart of our nation's biomedical research infrastructure, which will have ripple effects of halting critical studies, eliminating jobs, driving talent away from the field and hurting efforts to train the next generation of scientists. We are deeply mindful of the need to be good stewards of taxpayer dollars and highlight that investments in biomedical research often yield cost savings by providing breakthroughs that prevent or shorten costly hospitalizations and contain disease outbreaks. Any changes to F&A support should be carefully considered and accompanied by other policies or resources to protect scientific research.

Below are some examples of how F&A reductions are impacting Americans:

- **Layoffs:** At many institutions, support personnel and janitorial staff are being laid off already, with more layoffs expected. This is devastating to the employees and their families and significantly impacts local economies as unemployed individuals are less able to support local businesses.
- **Next Generation of Scientists and Clinicians:** Multiple academic institutions (Dartmouth, University of California San Diego, University of Miami, University of North Carolina at Chapel Hill, University of Pennsylvania, University of Pittsburgh, University of Southern California, University of Texas Health San Antonio, University of Washington, University of Wisconsin-Madison, and Vanderbilt) have had to dramatically reduce or halt graduate school admissions in areas including medicine, public health, microbiology, and more.¹
 - Resources for current early investigators at many academic institutions are on hold, which could cause many early career researchers—whose training the US has already invested in—to lose their ability to have research careers.
- **Hiring Freezes for Research and Patient Care:** Infectious diseases physician-scientists at multiple academic medical centers have reported hiring freezes for physicians who provide direct patient care as well as for researchers, impacting not only research but access to care. In addition, other clinical care initiatives are being put on hold and re-evaluated, which may further impact patient outcomes. Institutions with hiring freezes include Columbia School of Medicine, Boston University, North Carolina State University, University of Louisville, Northwestern University, University of Maryland School of Medicine, Stanford University, Case Western Reserve University, and Cornell University.²
- **Loss of Shared Scientific Information:** Many institutions have halted travel and hosting visiting scientists. This dramatically limits the ability of scientists to share information and collaborate, which is crucial to scientific advances.

A statement from the University of Kentucky indicated that the cap on indirect costs “will cost UK tens of millions of dollars annually and will hit our local and state economies. More important than any numbers, though, it will impact the work we do to advance the health of Kentucky in those areas most critical to our future.”³

Rutgers University, the largest recipient of NIH funding in New Jersey, stands to lose nearly \$22 million this year and close to \$58 million annually in the future.⁴

¹ <https://www.nature.com/articles/d41586-025-00608-z#:~:text=Some%20universities%20across%20the%20United,of%20US%20President%20Donald%20Trump.>

² <https://www.nature.com/articles/d41586-025-00608-z#:~:text=Some%20universities%20across%20the%20United,of%20US%20President%20Donald%20Trump.>

³ <https://pres.uky.edu/news/potential-impact-federal-research-cuts>

⁴ <https://www.njspotlightnews.org/2025/02/new-jersey-academics-fear-cost-of-trump-nih-health-science-research-fund-cuts/>

March 3, 2025
Page 3

An ID physician-scientist at University of Washington shared: *"Cuts to overhead %s would cripple our — or any — institution's capacity to continue to conduct high-quality, practice-changing, Nobel-Prize-winning, medical-breakthrough-generating research that happens here. Without the ability to support lab space, equipment, ancillary personnel, facilities, shared computational resources, regulatory, etc — all of which are supported by overhead, we would shut down."*

An ID physician-scientist who was trained at Johns Hopkins shared: *"An NIH-funded training program invests in the medical and research training for students with the expectation that we will remain in academic medicine/public-sector research after graduation, forgoing more lucrative opportunities in the private sector/industry. The US government made this investment in me, for which I am deeply grateful and which I am upholding with my career committed to academic medical research. If NIH funding for ID research is cut, with the consequence that I am forced out of academic research, this will be a loss of the taxpayer's investment."*

An ID physician-scientist at University of Colorado Anschutz Medical Campus shared: *"My NIH grants directly support the livelihood of multiple junior folks. Given the indirect freeze, I am unable to confidently hire new personnel to carry out NIH funded research that will prevent overdoses and prevent disease outbreaks. I have and will continue to apply for grants in hopes that this ship rights its course but have—in all honesty—very much considered leaving medicine and leaving the US altogether."*

Another ID physician-scientist at University of Washington shared: *"I'm a very early career clinician and researcher who has devoted my life/career to understanding the immune mechanisms that help mothers protect their infants. I am the primary breadwinner in our family, now expecting our first child in July and it's unclear if I'll have a job to support us anymore."*

HALTING AND DELAYING NIH FEDERAL REGISTER NOTICES AND GRANT REVIEWS

While reductions in F&A support would be devastating, it is also very important to highlight that the halting and delaying of NIH Federal Register Notices, study sections and advisory council meetings to review new grant applications and funding opportunities are **immediately** delaying all new research. We are heartened by an announcement in late February that the freeze is being partially lifted for some study sections, but it appears that later stages of grant review remain on hold. Impacts of these delays include:

- Stopping clinical trials for new preventive tools, tests and cures
- Halting basic research that is the foundation for breakthroughs
- Pausing translational research that improves patient care
- Jeopardizing our ability to train any new ID physician
- Potential mass job losses for physicians and scientists at all stages of their careers

Thank you for your consideration of these vital issues. We welcome the opportunity to work with you to advance life-saving biomedical research. If we can assist you, please contact Amanda Jezek, IDSA's senior vice president for public policy and government relations at ajezek@idsociety.org.

Sincerely,

Tim Q. Tan MD

March 3, 2025
Page 4

Tina Tan, MD, FIDSA, FPIDS, FAAP
President, IDSA

Hiring freezes, fewer grad students: Funding uncertainty hits colleges

With federal support at risk, universities are scrambling to curtail costs.

March 3, 2025 at 6:00 a.m. EST

By [Susan Svrluga](#)

Some universities are freezing hiring, admitting fewer graduate students and warning that recent federal changes and proposals pose an existential threat to higher education.

A U.S. judge last month put a temporary block on Trump administration orders for deep cuts to federal funding rates that the [National Institutes of Health provides](#) to support overhead costs for research at academic institutions. But the uncertainty around that and other potential [federal actions](#) has already prompted some university officials to scramble contingency plans and incise budgets where they can, in ways that could have a lasting impact on scientific research in this country.

“We talk a lot about being in this intense competition with China for technology and science,” said L. Rafael Reif, president emeritus of the Massachusetts Institute of Technology. “Is this a way in which we can compete? This is a very difficult time to create such a mess.”

Last month, [NIH announced](#) it would save \$4 billion per year by immediately and drastically cutting the rates for the facilities and administrative costs of biomedical research, the [indirect costs](#) that universities spend on things such as utilities in labs, safety and compliance with government regulations. “The United States should have the best medical research in the world,” NIH said in its announcement. “It is accordingly vital to ensure that as many funds as possible go towards direct scientific research costs rather than administrative overhead.”

Critics see taxpayer dollars wasted on administrative bloat. And the government argued in a response to legal challenges that the new policy will not change NIH’s total grant spending, but will reallocate the spending “away from indirect costs and toward the direct funding of research.” But researchers and scientists say indirect costs cover essential infrastructure, such as heating and cooling to keep delicate lab experiments at the right temperature, collective costs for hazardous waste disposal and personnel. University

leaders say that the indirect rates are carefully negotiated and audited reimbursement essential to research — and that the decision would devastate efforts that lead to lifesaving discoveries and innovations that power the economy.

Filling budget gaps

Coalitions of university leaders, hospitals, Democratic attorneys general and others quickly filed lawsuits to stop the cuts. But that's just one of the places where federal funding could be slashed. And some lawmakers have already warned they will try to increase taxes on university endowments.

In the meantime, the cycles of academic life go on, and university officials are having to make decisions without knowing whether they will soon have gaping budget shortfalls.

With its announcement, NIH posted a message on X spotlighting indirect cost rates in the 60-70 percent range for research at three elite universities: Harvard, Yale and Johns Hopkins. But the proposal would cap the rate at 15 percent for all institutions, not just well-known universities with large endowments. Schools in both red and blue states, public and private, would take a hit.

In court documents challenging NIH rate cuts, university leaders forecast stark consequences if they were implemented: At Morehouse College in Atlanta, the medical school's president and chief executive said in court documents that if the cuts go through, it would need to lay off 66 research and clinical staff members, cut salaries 2 percent across the school, freeze hiring and consider rescinding offers made to new faculty. Beth Israel Deaconess Medical Center in Boston said the cuts would force it to terminate leases for labs and lay off hundreds of employees. Tulane University in New Orleans predicted cuts to faculty, postdoctoral researchers and staff. The University of Pittsburgh said the rate cut would amount to a loss of reimbursement this year of \$168 million, perhaps halting clinical trials — which, if interrupted, could jeopardize scientific discoveries and patients' lives.

Federal funding freeze

A consultant estimated in court documents that the total impact of the rate cuts for research institutions nationwide, based on 2024 data, was \$6.5 billion.

On Wednesday, Stanford University's president and provost announced a freeze in staff hiring — a decision that does not apply to faculty and student workers — citing uncertainties over federal policy proposals.

MIT instituted a hiring freeze on most nonfaculty positions last month, a spokeswoman said, driven by the uncertain outlook for federal funding and policy.

On Feb. 24, J. Larry Jameson, a physician-scientist who is the interim president of the University of Pennsylvania, told the campus community that the school was “modeling different financial scenarios and actions that may need to be implemented, and we are working closely with school and center leaders to seek input and ideas around possible cost containment measures and new sources of revenue.”

The university could lose \$240 million annually if the indirect rate cuts go through.

Jameson said recent and possible federal actions “represent an existential threat across our University and American higher education.”

Shrinking staff, grad student admissions

Some faculty members at schools across the country are already seeing the impact of the uncertainty firsthand.

At the University of California at San Diego, Kimberly Cooper, a professor of cell and developmental biology, said she and colleagues were midway through interviews for a faculty position when they learned of a hiring pause. They had to tell a candidate in the midst of two days on campus that the position was no longer available — as well as those who had already visited — and cancel the travel plans for those who had not yet come.

This is the time of year when graduate admissions decisions are being made, and some schools or individual departments are pausing or limiting the number of offers they make for doctoral degree candidates, or informing applicants that those offers are conditional only.

Annika Barber expected to offer at least two first-year graduate students a place in her biology lab at Rutgers University this spring. But now she doesn’t know whether she will have funding for them, unsure of what will happen to federal support for biomedical research. And she has heard from many students that they were told by other labs that they did not know if they would have funding, either.

“It’s going to be so hard to get into a biomedical doctoral program this year,” Barber said, “because — whether the program says so or not — they’re admitting fewer students.” Students are panicking about whether they are going to get in anywhere, she said, and those about to graduate have started to question whether they can have a viable career in academia.

Barber is worried about her future, too. She started her lab, which investigates the biological basis of complex behaviors by studying decision-making in flies, in 2020. And like other young colleagues, she’s trying to recruit graduate students to it.

“We need doctoral students and funding to get tenure,” she said. New labs are in a particularly precarious spot at a time of so much uncertainty. “I like to think that we baby professors are the future of science: We’re the ones who are hopefully still going to be here in 20 and 30 years moving things forward. But we don’t have a lot of cushion.”

At UC-San Diego, Cooper said the School of Biological Sciences and graduate program leadership typically admits 25 applicants for the doctoral program but decided this year it needed to cut that to 17.

The reduction hurts the school’s labs and the classrooms where they serve as teaching assistants, as well as the undergraduates whom they would be mentoring, she said, but it goes beyond that: These are students who might go on to postdoctoral work and academic careers after they graduate, or they might go to work for companies making medical devices or law firms specializing in intellectual property.

“A lot of the U.S. economy is based on scientific discoveries, and the strength of our economy now is based on past discoveries,” Cooper said. “If we stop investing in those discoveries, the long-term effects on the economy are going to be crushing.”

[←](#) **Post****Robert Griffin III**
@RGIII

The Soul of College Football is dying because of money. Allowing the Big 10 and SEC to get 4 automatic bids into another expanded College Football Playoff dilutes the importance of winning. 4 loss non conference champions don't belong in the CFP. The proposed changes open the door for a Monopoly of the sport. The business of College Football is trying to destroy it.

2:50 PM · Feb 17, 2025 · **556K** Views



475



578



6.2K



103

[Read 475 replies](#)

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Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

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Minority (202) 225-2927

April 10, 2025

Ms. Emily Anne Cole
All American Track Athlete
Duke University
15502 Cypress Garden Dr.
Houston, TX 77069

Dear Ms. Cole,

Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade hearing on Tuesday, March 4, 2025, to testify at the hearing entitled, "Moving the Goalposts: How NIL is Reshaping College Athletics."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Thursday, April 24, 2025. Your responses should be mailed to Alex Khlopin, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to alex.khlopin@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gus M. Bilirakis

Chairman

Subcommittee on Commerce, Manufacturing, and Trade

CC: The Honorable Jan Schakowsky, Ranking Member, Subcommittee on Commerce,
Manufacturing, and Trade

Ms. Emily Cole
Page 1

Attachment—Additional Questions for the Record

The Honorable Debbie Dingell (D-MI)

1. In February 2025, the Trump Administration rescinded guidance that required NIL payments in college athletics to be proportionally available to male and female athletes under Title IX. Ms. Cole, do you think this decision undermines Title IX's goal of ensuring equal opportunities for women in sports?
2. Ms. Cole, if Congress legislated on NIL, what are the top three things you would bargain for that Congress might guarantee as a part of the law?

Ms. Cole did not answer submitted questions for the record by the time of publication. Replies received after publication will be retained in committee files and made available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117989>.

Mr. Justin Falcinelli
Page 1

Attachment —Additional Questions for the Record

The Honorable Debbie Dingell (D-MI)

1. Mr. Falcinelli, if Congress legislated on NIL, what are the top three things you would bargain for that Congress might guarantee as a part of the law?

I do not believe direct federal regulation is necessary at this time. NIL is the right to monetize your name, image and likeness and is a right that is freely available to every American, and should not be infringed upon by any school, conference, or governing body. What congress needs to do is enact legislation that empowers Athletes to address these issues themselves in a way that is legally shielded. Collective Bargaining is the time and time again proven successful model for professionalized sports to self-regulate in a way that is fair, empowering, and protecting for the athlete. Anything short of a tailored collective bargaining framework for collegiate athletics will be a temporary measure that will continue to be attacked in the courts and be ineffective at addressing the unique needs of individual sports. I would suggest congress takes a look at the recent California measure that allows uber and Lyft drivers to collectively bargain as independent contractors. If applied to Collegiate athletes it would allow them to organize without being employees of the universities.

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Commerce, Manufacturing, and Trade Hearing
March 4, 2025
Questions for the Record
Responses from Anthony Egbo Jr

The Honorable Russ Fulcher (R-ID)

Question 1. To follow up on my question regarding strategies smaller schools can employ if they have a smaller budget and want to attract students, some of Idaho's schools have offered avenues like multi-year contracts for student-athletes. Other suggestions have included trying to gain multimedia contracts that increase the audience to help have more funds for student-athletes through the proposed revenue-sharing model. Can you suggest other strategies smaller schools can and should consider?

While I currently serve in a role within college athletics that focuses on fundraising and revenue generation, I wouldn't consider myself an expert in the broader financing of college sports or student-athlete compensation models. That said, I do believe smaller schools—like my own—that choose to opt into a revenue-sharing model will need to explore creative funding avenues such as increased donor contributions, broadcast revenue, strategic financial partnerships, and institutional support.

There will also likely need to be a stronger emphasis on the holistic marketing and branding of student-athletes. This includes telling their stories, highlighting their achievements, and positioning them as valuable representatives of the university. Doing so can help attract external support from local businesses, corporate sponsors, and the broader community around campus. That's something our university is already heavily leaning into and finding success with.

Question 2. Do you believe transparency in agent registration and contract standardization would be beneficial and help reduce any bad actors in this space?

Without a doubt. Agent registration and contract standardization are essential components of any NIL protections for student-athletes. That's why student-athletes advocated for—and played a key role in passing—a package of NCAA NIL protections last year. That package included the development of a standardized contract template and a voluntary registration system for NIL service providers to help student-athletes identify and select qualified agents.

While it may not be a full framework yet, the concept behind these efforts is clear: to weed out bad actors who are essentially preying on student-athletes and exploiting the current gray areas in the system.

The Honorable Debbie Dingell (D-MI)

1. Mr. Egbo, if Congress legislated on NIL, what are the top three things you would bargain for that Congress might guarantee as a part of the law?

Thank you for this question. I think first and foremost, if I had to emphasize one component that I believe has the most consensus across the student-athlete population, it's that the majority of student-athletes I've personally spoken with do not want to be considered employees of our schools.

Secondly, I believe agent and contract standardization is critical to help weed out bad actors and protect student-athletes from being taken advantage of.

Third, scholarship guarantees are essential to continue protecting and emphasizing the educational component of being a student-athlete.

Additionally, I hold a strong opinion about the importance of financial literacy. Many student-athletes have had little to no training in this area. Being compensated is a great step forward and should be celebrated—but we also need to ensure that this compensation is helping us achieve what our education is meant to do: put us in a better position to live better lives, build brighter futures, and serve our communities more effectively.

So, the three things I would bargain for in NIL legislation are:

- 1. Protection of student-athletes' non-employee status*
- 2. Agent and contract standardization*
- 3. Scholarship guarantees*

—alongside an emphasis on financial literacy education. I believe these are essential pillars for a fair and sustainable NIL framework.

Mr. Josh Whitman, Director of Athletics, University of Illinois Urbana-Champaign
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Attachment – Responses to Additional Questions for the Record

The Honorable Russ Fulcher (R-ID)

1. *Do you believe transparency in agent registration and contract standardization would be beneficial and help reduce any bad actors in this space?*

I believe internal transparency creates a healthier, more informed ecosystem around our student-athletes. To protect the privacy of the young people participating in college sports – they are students, after all – visibility into that system should be limited to those functioning within the system (as opposed to public transparency). The NCAA has made inroads in this area, with new efforts underway to create databases related to student-athlete NIL arrangements, and the disclosure system being developed as part of the anticipated *House* settlement will provide even more robust transparency. Regarding agents, the NCAA also maintains a voluntary database of registered agents to help ensure that agents are compliant with NCAA rules and to protect student-athletes from potential harm. That initiative can and should be strengthened. Informed, well-intentioned, experienced agents can be very helpful to our student-athletes as they navigate their new environments, while agents who lack needed training, skills, or integrity can be harmful to the student-athletes and detrimental to the system itself.

As we prepare for potential settlement in the *House* case, standardizing the newly available NIL contracts between the student-athletes and their institutions would be extremely helpful. For college students, I support a structure that is easily understood and navigated, such that student-athletes and their families could successfully complete the institutional contract process without representation. This would provide the student-athletes with confidence in the agreements themselves and would reduce the number of negotiated terms to a more manageable number. Faced with only a small number of negotiated terms, student-athletes could work with an agent if they so choose, but an agent would not be necessary to complete an agreement.

For other NIL agreements made between student-athletes and third parties, contract standardization could be more difficult. It is important that student-athletes have the autonomy to negotiate with third parties to achieve their desired objectives. There is tremendous variation in student-athlete NIL activities, and a standard NIL contract, while theoretically beneficial, could serve to hinder the flexibility needed to arrange a social media promotion as opposed to an autograph signing, for instance.

Both agent registration and standard institutional NIL contracts could be mandated through new federal legislation supporting college athletics.

The Honorable John James (R-MI)

1. *Bad actors are already moving into the NIL space by convincing young athletes to sign contracts that exploit their earning power. Some of these contracts require athletes to pay 50 percent of their earnings to these agents. What guardrails should be created to ensure young impressionable athletes are not exploited?*

Agent registration and certification processes can help with predatory representation agreements. In 2024, the NCAA created the NIL Assist platform to help student-athletes find reputable agents, but the NCAA did not have the legal capacity to require agents to register on the platform. The NCAA has also explicitly supported the Sports Agent Responsibility and Trust Act (SPARTA), which empowers the FTC to combat unfair and deceptive practices in the context of student-athlete agents. Relatedly, most state laws require registration for professional sports agents. Using federal legislation to bolster SPARTA and to mandate that agents register with the NCAA could be an effective way to prevent student-athlete exploitation. It would also be worth considering whether there is a mechanism available to Congress to institute a standardized fee structure for NIL agents.

Mr. Josh Whitman, Director of Athletics, University of Illinois Urbana-Champaign

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2. *While Adrian College wholeheartedly supports the right of college athletes to earn money from their NIL, an arms race could ensure quickly creating colleges of “haves” and “have-nots.” Is there a way to create equanimity among colleges to ensure a few rich institutions don’t have all the power to recruit top athletes?*

First, the NCAA’s organizational structure allows institutions to select their competitive peers based on the investment that each institution is prepared to make in athletics. As a result, Adrian College, which primarily competes at the Division III level, is not forced to compete against the University of Michigan, which competes entirely at the Division I level. Similarly, Eastern Michigan University primarily competes in the Mid-American Conference, apart from Michigan State University, which is a member of the Big Ten Conference. These divisional and conference structures function together to mitigate the competitive effect of significant disparities in institutional resources.

Second, if anything, the introduction of NIL has served to create greater competitive parity than we have seen in the past, especially if, as expected, the *House* settlement gains approval. Schools that can generate even modest NIL reserves can compete for student-athlete talent, even if they lack resources in other traditionally important areas, such as facilities, staffing, and student-athlete support. This has been especially evident in basketball and other small roster sports, where the addition of even one or two student-athletes can make a competitive difference.

3. *Is the amateur student-athlete model dead? Do we now have a pay-for-play professional model across the college spectrum?*

College athletics is experiencing an intense period of disruption and change, but it is far from dead. In just the past few years, seismic changes – conference realignment, NIL, increased student-athlete mobility, college sports gambling, and others – have affected college athletics. “Amateurism,” in the most traditional sense of the word, may be an increasingly outdated concept, particularly in Division I athletics, but the collegiate model remains distinct from the professional sports model, in large part because of the continued tether and intersection between a young person’s educational and athletics pursuits. It remains unchanged that college athletes must be full-time, degree-seeking students, and institutions provide expansive benefits to their student-athletes, beginning with scholarships to fund their education. And the results remain noteworthy. For example, the NCAA has indicated that scholarship student-athletes are graduating at the highest rates on record, viewership and attendance at college sporting events are at an all-time high, and postseason access continues to expand. Against this backdrop, the *House* settlement promises to allow student-athletes to receive an unprecedented set of benefits that, when existing investment in scholarships and support are combined with new scholarship funding and revenue sharing, will often exceed 50% of athletics department revenues. All of this has occurred without abdicating the NCAA’s historic prohibitions against pay-for-play. I have been associated with college athletics in various capacities for most of the last 30 years, and I am confident that now is the best time in history to be a student-athlete.

Mr. Mr. Josh Whitman, Director of Athletics, University of Illinois Urbana-Champaign
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The Honorable Debbie Dingell (D-MI)

1. *It is well known that women's sports often do not receive the same support, promotion, recognition or attention as men's sports programs at schools, in the media, and elsewhere. We must strengthen Title IX, improve gender equity in NIL, and ensure collectives, schools, and conferences distribute resources more equitably.*

In April 2024, the GAO reported that 93% of institutions with athletic programs failed to meet Title IX participation standards, and data shows female athletes are shortchanged over a billion dollars annually in scholarships. Schools continue to invest more in promoting men's sports, and the success of revenue programs has enhanced male athletes' NIL and recruiting value.

Schools are indicating they will be giving men's basketball and football players 90% of new revenue sharing payments up to \$20 million a year for the next decade and publicly saying these payments don't count under Title IX.

Mr. Whitman, how can thoughtful NIL policy promote women's sports programs and bridge these disparities in treatment?

Perhaps no law in American history has had a greater impact than Title IX on the educational advancement of women and girls, especially in sports. Federal law mandates Title IX compliance in college athletics, and my visibility into our industry suggests to me that the vast majority of institutions across the country make good faith efforts to comply with both the letter and the spirit of the law. As we prepare for anticipated settlement in the *House* class action, it is unclear how Title IX will apply to the new revenue sharing opportunities it will create. Unless and until we receive greater clarity and understanding, schools like Illinois are attempting to navigate this emerging space with our best intentions. In the meantime, on the Illinois campus and I suspect on many others, our female student-athletes will see marked increases in available scholarships in every sport we sponsor, along with more female student-athletes receiving NIL opportunities, now in the form of institutional revenue share payments. These investments in our women's sports programs coincide with the recent surge in fan interest for women's sports, including, for example, upticks in viewership and attendance for women's basketball, women's volleyball, and softball, along with an increasingly vibrant NIL marketplace for our female student-athletes that has, in many cases, outpaced that of their male counterparts because of their social media presence, personal brand recognition, and overall marketability.

2. *Traditionally, all sponsorship, gate receipts, donations, and TV revenue go into one pot that supports all sports without discriminating on the basis of sex. This commitment has made the United States a world power in the Olympics and a global powerhouse.*

Mr. Whitman, can you tell us what an overhaul of this precedent would mean for the athletes?

You are correct that the traditional college athletics structure has helped make American college athletics the envy of the world and has positioned the United States for unparalleled Olympic success. I do not anticipate that changing as we move into the new paradigm expected as a result of the *House* settlement. In fact, under the proposed terms of the settlement, Division I institutions will be able to offer additional resources to all student-athletes, not only those participating in the highest profile sports and not only to men. At Illinois, a greater number of female student-athletes will enjoy enhanced benefits, in terms of scholarships, NIL opportunities, and other programmatic support, and I anticipate similar investments from our peer institutions. This should allow our Olympic pipeline to remain strong.

U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Commerce, Manufacturing, and Trade Hearing
March 4, 2025
 Questions for the Record
 Responses from Coach Shane Beamer

The Honorable Russ Fulcher (R-ID)

1. How would rules preventing student-athletes from claiming employee status protect them from potential problems if student-athletes get tagged as employees and then collect NIL money. Do you see roster stability and your ability to plan out your season, along with allowing your players to develop as student teammates and not having confusion over whether they are student-athletes or employees, come with rules preventing student-athletes claiming employee status?

Designating student-athletes as employees would fundamentally change the relationship between student-athletes and schools and undermine the academic model of college sports. This change would detract from the educational and developmental mission of universities, as the focus would shift to student-athletes as employees, not students working toward a college degree. I understand other current benefits, such as scholarships, could be subject to taxation. If student-athletes become employees, they would be able to be fired for performance and lose their academic opportunities for a free college education. The employment model would also heavily strain the finances of universities, resulting in less funding for non-revenue sports. If student-athletes become employees, I expect many non-revenue sports programs would be cut, and the experience of student-athletes in other sports would be negatively impacted.

As for roster stability, yes, I believe keeping the focus on student-athletes' academic pursuits and personal growth is a positive rather than student-athletes being viewed as employees who generate revenue but can be terminated based upon performance.

The Honorable John James (R-MI)

1. Bad actors are already moving into the NIL space by convincing young athletes to sign contracts that exploit their earning power. Some of these contracts require athletes to pay 50 percent of their earnings to these agents. What guardrails should be created to ensure young impressionable athletes are not exploited?

Universities are seeking to help student-athletes navigate the new NIL reality by providing financial literacy and other resources to navigate contractual arrangements, but more can

certainly be done. An agent registration process is the first step toward reining in bad actor agents. Further, requiring transparency in NIL deals can help bring accountability to the system. I support agent registration and regulation, including a system for discipline for agents who exploit student-athletes. A federal law that codifies the proposed university revenue sharing system in the House settlement would decrease the opportunity for bad actor agents to take advantage of student-athletes.

2. While Adrian College wholeheartedly supports the right of college athletes to earn money from their NIL, an arms race could ensure quickly creating colleges of “haves” and “have-nots.” Is there a way to create equanimity among colleges to ensure a few rich institutions don’t have all the power to recruit top athletes?

As I mentioned in my testimony before the Committee, college athletics is at a critical juncture. We must have federal legislation to ensure that there is uniformity in college sports. Without federal legislation, college athletics will simply continue on a path to where the schools with the most money and the wealthiest boosters buy their way to the top. The need for a level playing field with all schools playing by the same rules is critical. The House settlement’s accountability measures for NIL deals, as well as its revenue sharing agreement that allows schools to share more than an additional \$20 million with student-athletes each year is an important first step towards returning stability to college athletics, and Congress needs to include this in federal legislation that ensures a uniform national standard that promotes fairness and competitive equity in the system

3. Is the amateur student-athlete model dead? Do we now have a pay-for-play professional model across the college spectrum?

The amateur student-athlete model is not dead, but it is in danger of becoming extinct if Congress does not act. We need Congress to act with urgency to preempt the patchwork of state laws and set a federal standard for NIL, and to provide liability protection to the conferences to implement new rules consistent with the House settlement. This will allow us to provide more benefits for student-athletes while preserving the student-athlete model that ensures the educational and developmental goals of college athletics remain.