

Congress of the United States
Washington, DC 20515

09/30/2021

Dear Chairwoman Schakowsky, Ranking Member Bilirakis, and Members of the Subcommittee,

As members of Congress and former college football players, we write to first and foremost thank the House Energy and Commerce Subcommittee on Consumer Protection & Commerce for choosing to hold this important hearing on Collegiate Athlete Name, Image, and Likeness (NIL). We know that this Committee has many competing priorities this year, but we appreciate that Chairwoman Jan Schakowsky and Chairman Frank Pallone have chosen to prioritize this crucial topic to protect and empower our country's collegiate athletes.

The last few months have been monumentally important for college athletics. The extension of NIL rights to athletes across the country has been a long-fought battle to correct an egregious injustice. This success would not have been won without the insightful leadership of some collegiate athlete advocates such as one of today's witnesses, Ramogi Huma, who has spent years fighting to get us to the point where these players have the same fundamental rights to their own selves that are granted to all other people in our country.

For too long, to which we can both attest from our time as collegiate athletes, we've seen students work hard in their athletic program and still struggle affording basic necessities, all the while not able to exercise the same rights as everyone else to profit from the use of the things most closely associated with who we are -- our names and images. Today's collegiate athletes will now be afforded freedom and financial opportunity that so many others, including both of us, had been denied. This is a critical step in the fight to protect collegiate athletes, and we hope to see this momentum carried forward in the larger conversations about creating a federal standard for NIL that provides clarity and certainty for our collegiate athletes and institutions alike.

Over the last few months there has been a giant leap of progress with the interim policy from the National Collegiate Athletic Association and the various state laws that have gone into effect. However, our progress on NIL is still on the five yard line. It's past time that we pass a clear and consistent federal NIL standard.

These state laws have led to a patchwork of policies that has the potential to create a climate of confusing or contradictory policies. Already, we have heard from institutions in our states, including from Baylor University, whose president has offered her testimony in this hearing today, that they are looking for clear guidance in order to best serve their collegiate athletes, and a federal standard will be vital in offering this. And we know that various degrees of protections among the different state laws could potentially lead to collegiate athletes not being fully able to capitalize on their NIL rights.

Another consideration that must be addressed by federal legislation is enforcement, which is key to protecting collegiate athletes, universities, and the relationship between them. There have been various legislative suggestions on how we might achieve federal enforcement. In the Student Athlete Level Playing Field Act, which we both support, the Federal Trade Commission is given powers to enforce an equitable structure with clear operating rules and responsibilities. While we might debate the pros and cons of various proposals, or even suggest new ones, the continued lack of a federal NIL bill means there is still no such federal protection at all. We welcome a continued conversation on the path forward, but a lack of any approach at all is the worst-case scenario for our ultimate shared goal of protecting both collegiate athletes and institutions of higher education.

While we recognize that there are many other reforms for college athletics that other Members of Congress would like to see addressed, just as we would, we believe that there is widespread bipartisan recognition of the need to pass a federal NIL standard. Failing to do so soon means that the system will acquiesce to the current patchwork of state laws - making it all the more difficult for collegiate athletes and schools to adapt when a federal approach finally does come about, as we believe it eventually must. Our time as collegiate athletes has helped shape our views as Members of Congress on what some of those reforms should or should not look like. Even after Congress passes meaningful NIL legislation, we expect to continue deliberating and debating with our colleagues on both sides of the aisle as to what other reforms are needed to protect collegiate athletes.

Too often we see in Congress that the window for smart, meaningful reform is missed as we debate other potential reforms for which it might take Congress years to decide on. This is one of very few issues facing us today where all sides recognize the need for federal intervention, and we hope that this hearing today is a step towards recognizing the time is now to pass a federal NIL standard, one that we believe the vast majority of Members of Congress would be quick to support.

We want to thank Chairwoman Schakowsky and Chairman Pallone again for finding time to discuss this important right for collegiate athletes, and for the witnesses on this panel in offering their time and expertise. We look forward to continued conversations and action to finally offer collegiate athletes the right to capitalize on their talents and abilities, as all other Americans have the right to do.

Sincerely,



Emanuel Cleaver, II
Member of Congress



Colin Allred
Member of Congress