

Opening Statement of Chair Gus M. Bilirakis
As Prepared for Delivery
Committee on Energy and Commerce
Subcommittee on Innovation, Data, and Commerce
Hearing entitled “Taking The Buzzer Beater To The Bank: Protecting College
Athletes’ NIL Dealmaking Rights”
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Good morning, everyone. I’m pleased to hold this Subcommittee hearing today to discuss an important topic that has been the subject of much debate in recent years: Name, Image, and Likeness, or NIL, in college sports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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