

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

Thank you, Mr. Chairman.

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

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

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

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

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

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

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

Instead, we have seen a roller coaster of state activity as states compete to have the most advantageous laws for their respective schools.

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

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

It is unreasonable to expect student athletes to balance their studies with navigating a maze of complex and conflicting laws.

They are put in a potentially devastating position of running afoul of rules they would need a law firm to provide counsel on.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back.