

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1 Diversified Reporting Services, Inc.

2 RPTS FREEMAN

3 HIF088170

4

5

6 TAKING THE BUZZER BEATER TO THE BANK: PROTECTING

7 COLLEGE ATHLETES' NIL DEAL-MAKING RIGHTS

8 WEDNESDAY, MARCH 29, 2023

9 House of Representatives,

10 Subcommittee on Innovation, Data, and Commerce,

11 Committee on Energy and Commerce,

12 Washington, D.C.

13

14

15

16 The Subcommittee met, pursuant to call, at 10:30 a.m.,

17 in Room 2322, Rayburn House Office Building, Hon. Gus M.

18 Bilirakis [Chairman of the Subcommittee] presiding.

19

20 Present: Representatives Bilirakis, Bucshon, Walberg,

21 Duncan, Dunn, Lesko, Pence, Allen, Fulcher, Harshbarger,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

22 Cammack, Rodgers (ex officio); Schakowsky, Castor, Blunt
23 Rochester, Soto, Trahan, Clarke, and Pallone (ex officio).

24

25 Also Present: Carter, Pfluger; and Cardenas.

26

27 Staff Present: Kate Arey, Content Manager & Digital
28 Assistant; Michael Cameron, Professional Staff Member,
29 Innovation, Data, and Commerce; Jessica Herron, Clerk,
30 Innovation, Data, and Commerce; Sean Kelly, Press Secretary;
31 Peter Kielty, General Counsel; Chris Krepich, Press
32 Secretary; Tim Kurch, Chief Counsel, Innovation, Data, and
33 Commerce; Brannon Rains, Professional Staff Member,
34 Innovation, Data, and Commerce; Lacey Strahm, Fellow,
35 Innovation, Data, and Commerce; Michael Taggart, Policy
36 Director; Teddy Tanzer, Senior Counsel, Innovation, Data, and
37 Commerce; Hannah Anton, Minority Staff Assistant; Ian Barlow,
38 Minority FTC Detailee; Waverly Gordon, Minority Deputy Staff
39 Director and General Counsel; Daniel Greene, Minority
40 Professional Staff Member; Tiffany Guarascio, Minority Staff
41 Director; Lisa Hone, Minority Chief Counsel, Innovation,
42 Data, and Commerce; Mackenzie Kuhl, Minority Digital Manager;

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

43 Joe Orlando, Minority Senior Policy Analyst; and C.J. Young,
44 Minority Deputy Communications Director.
45

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

46 *Mr. Bilirakis. Good morning, everyone. The
47 subcommittee will come to order.

48 The chair recognizes himself for an opening statement.
49 Again, good morning, everyone. I am pleased to hold this
50 subcommittee hearing today to discuss an important topic that
51 has been the subject of much debate in recent years -- name,
52 image, and likeness, or NIL, in college in sports.

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

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

65 The main question before us today is how Congress should
66 regulate this new economic frontier to ensure that NIL deals

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

67 are transparent and fair and that they do not compromise the
68 integrity of college sports. We must avert the potential
69 pitfalls that could come with NIL compensation rights, such
70 as becoming recruiting inducements or pay-for-play schemes.

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

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

81 If that is not enough, we are already seeing charitable
82 dollars being siphoned away from the athletic departments and
83 conferences into third party NIL collectives. Combine that
84 with a requirement for schools to classify their athletes as
85 employees -- I know that there is a pending proposal in the
86 State of New York -- we will certainly see more heartbreaking
87 decisions made, particularly for sports that don't generate

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

88 revenue. And we have got to preserve those sports, ladies
89 and gentlemen, and I worry about the implications of what
90 this would do to Olympic sports as well.

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

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

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

108 And it always warms my heart to see my alma mater

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

109 represented. Thank you, Trey, Mr. Trey Burton, for being
110 here. And I think everyone knows by now that I bleed orange
111 and blue. So, go Gators.

112 [Laughter.]

113 *Mr. Bilirakis. As my colleagues can see by the
114 geographic makeup of this panel, NIL affects athletes and
115 institutions in all states. It is critical that we establish
116 a federal preemptive standard for NIL to bring clarity and
117 consistency to this rapidly evolving space.

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

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

129 Thank you all for your attention, and I look forward to

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

130 a productive discussion on this very important topic.

131 Okay. And now I yield. I will recognize the gentlelady
132 from Illinois, Ms. Schakowsky, for five minutes for her
133 opening statement. She is our ranking member, and we have
134 worked so well together in the past. So I yield to -- I give
135 you five minutes, Representative Schakowsky, please.

136 *Ms. Schakowsky. Thank you so much, Mr. Chairman, for
137 your continued collaboration, and I want to thank the
138 witnesses for being here today.

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

144 So, and college sports brings joy to Americans in every
145 state, in every congressional district, and certainly also to
146 current and former athletes. I want to tip my hat to our
147 colleague, Representative Trahan, who is one of those, and I
148 am sure there are others among our -- among our members. And
149 she -- that was volleyball, by the way. And so -- but
150 college sports have also generated enormous wealth, but that

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

151 wealth has not been -- has not been uniformly distributed
152 among all who need to be.

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

158 For anyone who doubts -- who doubts me, I look back to
159 2015 when Northwestern football players -- and I am proud to
160 represent them -- tried to -- began an effort to unionize. I
161 supported that. Northwestern employed the same anti-union
162 tactics that we have seen among giant corporations like
163 Starbucks and Amazon.

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

168 For example, under NCAA rules, athletes are required to
169 have basic health insurance. However, schools are not
170 required to provide the health insurance. Unfortunately,
171 these -- the two health insurance options offered by the NCAA

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

172 provide insufficient coverage and is also time-limited, yet
173 for some athletes injuries last sometimes, even a lifetime,
174 but certainly longer than the insurance covers.

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

182 However, huge -- let me just see -- am I still there?
183 No, I guess -- oh, wait, I am still there. Okay.

184 However, huge disparities in -- still exist between
185 athletes in various colleges. So more -- absolutely more
186 needs to be done, and I really look forward to the debate
187 that we are going to have in this committee to make sure how
188 we are going to address these issues.

189 I think the time has come for real change. I want to
190 say that I have read all of your testimony, and I just wanted
191 to tell you that I have to leave for a brief moment to go to
192 the Budget Committee, where I am going to be asking

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

193 questions, and then I am going to come back and hear the rest
194 of it. But thank you so much to our witnesses.

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

196 *Mr. Bilirakis. Thank you. Appreciate it. Thank you,
197 Ranking Member.

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

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

204 *The Chair. Thank you, Mr. Chairman. And thank you for
205 your dedication to the issue of name, likeness -- name,
206 image, likeness. I know this. Name, image, likeness. I
207 know it is close to your heart to ensure college athletes
208 have every chance to succeed professionally and academically.

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

212 I would also like to thank Mr. Pat Chun from Washington
213 State University, the athletic director for Washington State

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

214 University, who is testifying today. Go Cougs. He has been
215 a leader on this issue, his work at WSU and various roles
216 with the NCAA. Just appreciate your insights.

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

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

231 Not unlike other challenging issues before this
232 committee, the patchwork of state laws is confusing for
233 athletes, schools, and conferences alike. It is unreasonable
234 to expect student-athletes to balance their studies with

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

235 navigating a maze of complex and conflicting laws. They are
236 put in a potentially devastating position of running afoul of
237 rules they would need a law firm to provide counsel on.

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

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

248 While some sports in the highest level are profitable,
249 most student-athletes compete in sports that would not have a
250 good return on investment. We cannot allow an outcome where
251 there are thousands of college athletes where they lose their
252 opportunity to compete in the sports they love.

253 The current NIL chaos means student-athletes are left to
254 fend for themselves, and those at the top of their game must
255 figure out how to maneuver through a multiple of agents,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

256 collectives, and high dollar contract offers, all while
257 maintaining their academic and athletic commitments. The
258 pressure placed on these student-athletes is immense and
259 raises important questions on them being able to receive
260 counseling for financial planning and mental well-being.

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

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

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

277 and off the field.

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

281 I yield back.

282 *Mr. Bilirakis. Thank you, Madam Chair. appreciate it
283 very much.

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

287 [Laughter.]

288 *Mr. Pallone. Giants, but I actually like both.

289 *Mr. Bilirakis. Okay. That is a politician there.

290 *Mr. Pallone. Well, I am in central Jersey, so, you
291 know, we have people from --

292 *Mr. Bilirakis. Oh, okay. Well --

293 *Mr. Pallone. -- for both teams.

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

297 *Mr. Pallone. I will.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

298 *Mr. Bilirakis. All right. I think you are always
299 nice. Thank you. You are a great friend. All right. I
300 want to recognize you for five minutes, sir, for your opening
301 statement.

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

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

316 And college athletes deserve a system that protects
317 their interests and well-being while preserving the
318 educational mission of college sports. So that is why I am

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

319 pleased that the National Collegiate Athletic Association has
320 finally been forced to allow college athletes to monetize
321 their name, image, and likeness, just like any other students
322 on campus, or coach in the lockout room -- locker room. And
323 while name, image, and likeness reform is a start, any future
324 actions by Congress to legislate in this space must also
325 address some of the broader, equally pressing issues
326 affecting college athletes today, issues like health and
327 safety, players' rights to organize, compensation, and gender
328 equity.

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

335 It means college athletes' First Amendment rights to
336 organize must be respected and protected, and that players
337 must be able to meaningfully negotiate to ensure their voices
338 are heard. And it also means that we must be mindful of
339 protecting and building on the benefits Title IX has brought

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

340 to women's college sports.

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

348 But I am going to yield the remainder of my time to
349 Congresswoman Trahan, because she knows a lot more about
350 these issues than I do as a former Division 1 female athlete,
351 the only former Division 1 female athlete serving in
352 Congress.

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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

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

378 I would urge my colleagues that when we move the ball
379 forward on this issue we do so in a way that prioritize the
380 rights of athletes who have long been left out of discussions
381 about the future of college athletics. There should not be a

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

382 desire to return to the status quo that didn't work for so
383 many college athletes.

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

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

391 *Mr. Bilirakis. Thank you so very much. So we have now
392 concluded with member opening statements. The chair reminds
393 members that pursuant to the committee rules all members'
394 opening statements will be part of the record.

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

397 So you are recognized. Thank you so very much for being
398 here. You are recognized for five minutes.

399

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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

407

408 STATEMENT OF JENNIFER HEPPEL

409

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

413 My name is Jennifer Heppel, Commissioner of the Patriot
414 League, which is one of 32 Division 1 conferences within the
415 NCAA structure. I have been fortunate to spend my entire
416 career -- 30 years so far, we will see how today goes -- no,
417 30 years so far in college athletics at the national,
418 institutional, and conference levels.

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

421 growth.

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

425 There are over 8,000 student-athletes competing on over
426 240 teams across the league. Collectively, that is
427 20 percent of our undergraduate student population. The
428 Patriot League believes that participation in athletics is an
429 important component of a well-rounded education.

430 The integrated student-athlete experience, the academic
431 and personal growth of student-athletes, is primary. Being a
432 student in the Patriot League and being an athlete in the
433 Patriot League are not mutually exclusive. Our students are
434 fully engaged in campus life. They live in dorms, eat in the
435 dining halls, participate in study abroad, lead campus
436 organizations, participate in internships, and they compete
437 as Division 1 athletes.

438 This year's Patriot League women's basketball player of
439 the year spent last summer as a business administration
440 intern in Barcelona. This was through a scholarship
441 sponsored by the business school at Lehigh University. A key

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

442 contributor on our men's basketball championship team from
443 Colgate, and a former Patriot League rookie of the year,
444 spent last summer as a bunk counselor at a camp for children
445 with special needs. He plans to pursue a master's in
446 counseling and move into private therapy when he finishes
447 playing.

448 Just a few years ago, on the day prior to being in the
449 starting lineup for our men's basketball championship, I was
450 honored to watch our then men's basketball player of the year
451 from Bucknell present a project with his senior design team
452 to leadership at a medical center in northeast Pennsylvania.
453 He earned his degree in biomedical engineering in four years
454 and is now playing professional basketball overseas.

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

460 Just like all students on our campuses, Patriot League
461 student-athletes are able to profit off their own name,
462 image, and likeness. The League fully supports NIL

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

463 opportunities. Many provide important professional
464 networking, educational, career development, and service
465 dimensions. NIL managed and regulated in a legitimate manner
466 represents an area of constructive change and opportunity for
467 student-athletes.

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

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

482 Thank you.

483 [The prepared statement of Ms. Heppel follows:]

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

484

485 *****COMMITTEE INSERT*****

486

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

487 *Mr. Bilirakis. Thank you. Appreciate it very much.

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

490 Thanks for being here. You are recognized for five
491 minutes.

492

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

493 STATEMENT OF MAKOLA M. ABDULLAH

494

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

501 I serve as a member of the Presidential Board of
502 Advisors on HBCUs, chaired by Tony Allen of Delaware State
503 University, and I am also the past chair of the Central
504 Intercollegiate Athletic Association, the CIAA, the oldest
505 and the -- well, the first and the oldest -- I guess that
506 would be the same thing -- historically black university
507 athletic conference in the country. Our current chair is
508 Dr. Aminta Breaux of Bowie State, and our Commissioner is
509 Ms. Jacqui McWilliams.

510 Our Division 2 athletic programs at Virginia State
511 University are led by Mrs. Peggy Davis, the best athletic
512 director in the country, and we currently offer
513 21 intercollegiate athletic sports, including recently added

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

514 men's and women's soccer and men's and women's lacrosse.

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

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

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

534 It is important to remember that there are three

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

535 divisions of athletics, and they are not all created equally.
536 For some universities like Virginia State University, again,
537 athletics is not revenue-generating. We are not one of the
538 major Division 1 institutions. And while we are not, I fully
539 believe, though, that it is all of our responsibility to make
540 sure that everyone who participates in college athletics has
541 the right to reap the benefits of their labor.

542 Virginia State University, other HBCUs, and Division 2
543 and 3 institutions have been competing against major
544 universities for students, student-athletes, faculty, staff,
545 administrators, federal grants, private philanthropic
546 dollars, for many years.

547 We are not afraid of competition, and we believe that we
548 can successfully recruit student-athletes who understand the
549 transformative nature of our -- of HBCUs who believe in our
550 mission and understand the longstanding tradition of
551 excellence at our university.

552 I am sure that all of you are aware that according to
553 the NCAA student-athletes are not required to disclose the
554 amount of their NIL deals. However, at Virginia State
555 University, we are aware of five student-athletes who have

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

556 currently disclosed an NIL deal. That is a total of -- from
557 over 300 athletes -- student-athletes at VSU. If I was to
558 estimate the total value of these NIL deals, I am sure that
559 it would be less than \$10,000.

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

569 I better move quickly.

570 As leader of a proud HBCU, we have -- we have been
571 concerned about our institution's systematic underfunding
572 since our founding. At the state level, our previous
573 governor, Ralph Northam, and our current governor, Glenn
574 Youngkin, and our state legislature have tried to address the
575 issue.

576 I do know that on the federal level Congresswoman Alma

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

577 Adams, Congressman French Hill, and Senators Chris Coons and
578 Tim Scott of the bipartisan HBCU Caucus, and our Virginia
579 delegation led by Congressman Bobby Scott, Congresswoman
580 Abigail Spanberger, and Congresswoman Jennifer McClellan,
581 with Senators Tim Kaine and Mark Warner, are stalworth
582 advocates for addressing these issues.

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

591 Thank you very much, sir.

592

593 [The prepared statement of Dr. Abdullah follows:]

594

595 *****COMMITTEE INSERT*****

596

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

597 *Mr. Bilirakis. Appreciate it very much. Thank you.

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

601 Okay. Well, anyway, sir, thank you for being here. We
602 appreciate it, and I recognize you for five minutes.

603

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

604 STATEMENT OF TREY BURTON

605

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

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

613 I was then fortunate enough to play seven years in the
614 NFL, four years with the Eagles, two years with the Bears,
615 and one year with the Colts. I currently reside in Tampa,
616 Florida, with my wife and three children.

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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

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

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

643 The business side of the NFL is complex. But having
644 successfully walked through those contracts, it is important
645 for me to speak on those differences and properly equip

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

646 student-athletes for that transition.

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

652 There has been a lot of debate over whether these
653 changes have been good or bad for collegiate sports. The
654 evolution of NIL has happened so fast that many would argue
655 that it is like the Wild Wild West for colleges and student-
656 athletes alike.

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

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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

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

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

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

688 well as potential transfer athletes.

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

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

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

704 As a former Division 1 athlete, I can tell you that my
705 fear in this is that these athletes have been thrown in the
706 fire with limited resources, no infrastructure to help them
707 succeed, and to protect them from bad actors. There needs to
708 be a uniform set of NIL rules that everybody has to play by

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

709 no matter where the student plays or how large or small the
710 school or the sport is.

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

714 Thank you.

715 [The prepared statement of Mr. Burton follows:]

716

717 *****COMMITTEE INSERT*****

718

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

719 *Mr. Bilirakis. Appreciate it very much. Hey, Trey, I
720 dreamed about it, too, but it never happened for me.

721 [Laughter.]

722 *Mr. Bilirakis. I ended up in Congress.

723 [Laughter.]

724 *Mr. Bilirakis. Our next witness is Kaley Mudge, a
725 student-athlete from Florida State University. And thank you
726 so very much for being here, particularly since the season is
727 still going on for you. So I recognize you for five minutes.
728 Thank you.

729

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

730 STATEMENT OF KALEY MUDGE

731

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

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

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

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

750 I chose Florida State because from the moment I stepped

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

751 on campus it felt like home. I wanted to find a program and
752 an institution that felt like a community, and I found that
753 at FSU. The professors, coaches, administrators, and
754 students have made my four years such a great experience.

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

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

765 My experience with NIL has been a very positive
766 experience. I have gotten the opportunity to learn so much
767 about the professional world as a college student, including
768 how to read contracts, how to negotiate deals, and how to
769 earn and save money. As an Olympic sport athlete on a
770 partial scholarship, NIL has been extremely beneficial to me
771 because I am able to help pay for my tuition to hopefully

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

772 come out of college with little debt. One specific deal that
773 I am involved in now has given me the opportunity to start
774 saving money for nursing school when I am done playing
775 softball.

776 NIL has served as an effective means for comprehensive
777 life skills education given the multi-faceted nature of this
778 issue. This includes financial literacy training, contract
779 review, personal branding, business formation, and
780 responsible social media strategies.

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

792 In addition to the support provided by the institution,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

793 the collective has provided additional resources in the NIL
794 space; specifically, in identifying and securing new NIL
795 opportunities, understanding market value, and facilitating
796 group licensing opportunities for myself and other student-
797 athletes. Specifically, I am an ambassador for our FSU
798 collective, and this is the deal that is helping me pay for
799 nursing school.

800 Given that we compete for national championships, it is
801 imperative that we have uniform NIL guidelines and
802 expectations as opposed to the current framework of disparate
803 or non-existent state laws and regulations. These national
804 standards should guarantee student-athletes the ability to
805 pursue NIL opportunities. These standards should also ensure
806 a healthy recruiting environment to promote fairness and
807 equity, along with a measure of transparency to support the
808 NIL marketplace.

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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

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

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

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

833 [The prepared statement of Ms. Mudge follows:]

834

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

835 *****COMMITTEE INSERT*****

836

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

837 *Mr. Bilirakis. Thank you very much. Thank you for
838 your testimony. It was excellent.

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

842

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

843 STATEMENT OF PAT CHUN

844

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

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

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

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

863 Our student-athletes currently hold a school record 3.22

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

864 cumulative grade point average, graduate at an eight percent
865 higher rate than the general student population, while also
866 earning a 91 percent NCAA graduation success rate, the
867 highest in school history. Also, more than 20 percent of our
868 student-athletes are first-generation college students.

869 College athletics is facing significant challenges with
870 no simple solutions. Last year I met weekly serving on the
871 21-member NCAA Division 1 Transformation Committee. At our
872 conclusion, recommendations were submitted to the NCAA
873 Division 1 Board of Directors and approved in January.

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

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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

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

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

904 NIL was intended to be the next significant benefit for
905 student-athletes. Like any other student on campus, the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

906 student-athletes deserve the right to monetize their NIL
907 based on the reputation and platform. Although true NIL
908 provides tremendous opportunities for student-athletes, the
909 existing environment consists of recruiting inducements,
910 tampering, and ultimately pay-for-play, and is wrought with
911 pitfalls and misinformation. Recent reports in the media
912 suggest that current student-athletes across the country are
913 being approached with empty promises which lead to false
914 expectations.

915 There is a probability that inequity exists in the NIL
916 marketplace. One example is from research provided by
917 Navigate, a sports data and valuation company. The research
918 focused on compensation for influencers, states that
919 approximately 77 percent of the general -- meaning
920 non-college athletics -- NIL compensation is earned by women.

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

926 Without disclosures, institutions and student-athletes

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

927 are not able to properly assess NIL opportunities for
928 fairness and equity. By shielding accurate and required
929 transactional information, third parties have profited from
930 the uninformed decisions of student-athletes. Only with
931 transparency, oversight, and uniform regulation will
932 unscrupulous third parties begin to act with the best
933 interests of student-athletes at heart.

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

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

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

948 Thank you.

949 [The prepared statement of Mr. Chun follows:]

950

951 *****COMMITTEE INSERT*****

952

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

953 *Mr. Bilirakis. Thank you, sir. Appreciate it very
954 much.

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

958

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

959 STATEMENT OF JASON STAHL

960

961 *Mr. Stahl. Thank you.

962 *Mr. Bilirakis. Thanks for being here.

963 *Mr. Stahl. Of course. Chairman Bilirakis, Ranking
964 Member Schakowsky, members of the Subcommittee on Innovation,
965 Data, and Commerce, I appreciate the opportunity to testify
966 here today on behalf of the College Football Players
967 Association, or CFBPA.

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

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

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

979 Justin Falcinelli played college football at Clemson

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

980 University where he was a two-time college football playoff
981 national champion. Here also from our LC is Jordan Meachum.
982 Jordan played first at Sacred Heart University and then
983 finished his playing career at South Dakota State University
984 where he was an NCAA Division 1 FCS national championship
985 runner up. Both of these men have many academic honors to
986 their name.

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

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

998 In July 2021, college athletes for the first time had
999 access to the free market to monetize their name, image, and
1000 likeness, NIL. The NCAA had denied college athletes this

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1001 basic economic freedom enjoyed by every other American,
1002 spending millions of dollars in legal and lobbying fees to
1003 falsely keep athletes' NIL market value at zero.

1004 College athletes fought to show -- and the Supreme Court
1005 agreed -- that NCAA compensation rules violated antitrust
1006 law, and with the writing on the wall, the NCAA finally
1007 dropped its NIL monetization restrictions.

1008 The vast majority of evidence suggests athletes
1009 monetizing their NIL has had an overwhelmingly positive
1010 effect on athletes and their families. To the extent that
1011 there are problems in the NIL free market that call for new
1012 "consumer protections," they are extraordinarily manageable
1013 by industry stakeholders, including players, through their
1014 independent players associations.

1015 It is the position of the CFBPA that the Federal
1016 Government should stay out of the NIL free market, as they
1017 would stay out of the NIL free market for every other
1018 American citizen. At the CFBPA, we believe that there should
1019 be no Federal Government legislative rollback of the gains
1020 college athletes have made in the NIL free market.

1021 If new rules and regulations are needed for athletes

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1022 monetizing their NIL, administrators at the NCAA and in the
1023 conferences should sit down with players through their
1024 independent players associations to discuss and come to
1025 agreement around such changes.

1026 Once agreements are made, the CFBPA could assist with
1027 enforcement and with screening attorneys and agents to
1028 protect the interests of the athletes. Another related area
1029 of focus within our platform pertains to new media rights
1030 contracts. Media rights contracts for Power Five football
1031 conferences and the college football playoff championship
1032 have exploded in recent years and will continue to do so into
1033 the future, particularly with the CFP expanding from four
1034 teams to 12 in 2024.

1035 In the coming years, FBS football, particularly at the
1036 Power Five level, will be a wash in many new billions of
1037 dollars. The players that generate this wealth deserve to
1038 share in it.

1039 The CFBPA and independent players associations
1040 representing other televised sports that are part of these
1041 media rights deals should sit down at the bargaining table
1042 and hammer out revenue-sharing agreements. There will be

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1043 plenty of money in the system to share for all those athletes
1044 whose name, image, and likeness are used in media broadcasts
1045 without impairing overall operations of athletics
1046 departments.

1047 Unfortunately, as it pertains to athletic departments
1048 and conferences, the NCAA has recently declared that they are
1049 not allowed to make direct NIL payments to athletes for their
1050 appearance in media broadcasts. Lifting this barrier would
1051 be a good first step to open up competition between
1052 conferences and individual football programs for player
1053 talent and also to address other flagrant systemic issues.

1054 Change is here in college athletics, and it is time for
1055 administrators at the NCAA conferences and member
1056 institutions to embrace this change. Player empowerment is
1057 only going to grow, and there can be no return to the
1058 paternalism of the past through federal legislation or other
1059 matters.

1060 At the CFBPA, we are ready to sit down at the table with
1061 administrators who are interested in moving ahead into the
1062 future.

1063 Thank you.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1064 [The prepared statement of Mr. Stahl follows:]

1065

1066 *****COMMITTEE INSERT*****

1067

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1068 *Mr. Bilirakis. I want to thank all of the witnesses
1069 for their testimony.

1070 We will move into questions -- the question and answer
1071 portion of the hearing. I will begin the questioning and
1072 recognize myself for five minutes.

1073 Mr. Burton, thank you again for making time to be with
1074 us today and sharing your experience as an athlete playing at
1075 the highest levels, both in college and professional
1076 football. I appreciate it very much.

1077 After all, not many can say they have a Super Bowl ring
1078 or were nominated for player -- play of the year at the ESPYs
1079 with the Philly Special. And I am not talking about
1080 cheesesteaks.

1081 Based on your accomplishments during your time at the
1082 University of Florida, it is safe to say that you would have
1083 had immense opportunities to earn supplemental income from
1084 NIL, and you mentioned that in your opening statement. What
1085 would this supplemental income have meant to you? And how
1086 would NIL have benefited you as a college football player and
1087 set your family up for financial success?

1088 *Mr. Burton. Thank you. Yeah. Like you said, in my

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1089 testimony I mentioned that I got married and had a kid in my
1090 junior year. So I think that would have, you know,
1091 substantially -- I think we all can agree that that would
1092 have been really beneficial for us, my wife through, you
1093 know, the birth process, and for raising up a child,
1094 obviously, is very expensive. So, you know, we kind of had
1095 to do our best budgeting that we possibly could based off of
1096 what we got from our scholarship check and from Pell Grant.

1097 But I also think that my mom was a single mother, and
1098 she raised three boys. And so that easily could have helped,
1099 you know, with whatever situation, you know, we had going on
1100 back then. But then, also, even going forward, I remember my
1101 last game of my career in college against Florida State, I
1102 separated my shoulder.

1103 And I was kind of the guy that was on the bubble, didn't
1104 know if I was going to make it to the NFL, didn't know what
1105 the next move was, but I remember sitting in my house on my
1106 rocking chair with my arm in a sling, and I looked at my wife
1107 and I said, "We have got to be out of here in a month,
1108 because our scholarship checks are gone. They are done after
1109 December."

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1110 And so there was a lot of uncertainty, and I know for
1111 sure if I wouldn't have made it into the NFL, I wouldn't have
1112 had much money, especially I didn't save much money, didn't
1113 have much money to save to start out with, to continue on
1114 next -- you know, our next venture.

1115 *Mr. Bilirakis. Thank you very much.

1116 Kaley, you are also a student-athlete competing at the
1117 highest level of your sport and have accomplished amazing
1118 things in your time at the Florida State University, such as
1119 breaking the Women's College World Series record for hits in
1120 a single World Series with 14.

1121 Could you elaborate how NIL opportunities have benefited
1122 you as a current student-athlete, particularly competing in
1123 women's sports that don't always have the same lucrative
1124 professional opportunities?

1125 *Ms. Mudge. Yes. When NIL came into play in 2021, I
1126 was super excited. I didn't know a lot about what the rules
1127 were going to be and such, but being a partial scholarship
1128 student-athlete has really helped me to help pay for my
1129 tuition and helped pay for my rent and things that I don't
1130 have the luxury of paying for myself.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1131 So NIL has definitely benefited me. And, specifically,
1132 with the deal with our collective, being able to help me pay
1133 for nursing school when I am done with softball is going to
1134 be extremely helpful because I won't have a partial athletic
1135 scholarship when I start nursing school. So NIL has
1136 benefited me in a lot -- in a very positive way.

1137 *Mr. Bilirakis. Thank you. Thank you very much.

1138 Trey, you shared in your testimony that when you were
1139 playing, athletes had to choose whether to make money or go
1140 to school to pursue an education while playing the sport of
1141 their dreams. I think this is an important reminder that an
1142 essential part of the college athlete experience is the
1143 ability to pursue higher education while playing the sport
1144 they love.

1145 What did you get out of being a student during your time
1146 there at the University of Florida? And how can we prevent
1147 disruptions to these educational benefits and this debate
1148 about how to treat college athletes, please?

1149 *Mr. Burton. I mean, I got a degree, which is, you
1150 know, the most important during my time there. I think also,
1151 like I said, the relationships that I was able to have, the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1152 professionals that I have been able to meet with -- you know,
1153 through my athletic scholarship and because I played football
1154 there at the university.

1155 What was your second question again? Sorry.

1156 *Mr. Bilirakis. Yeah. Well, just, you know, what did
1157 -- well, I just going to paraphrase. What did the University
1158 of Florida or any college, if you had gone to any college,
1159 offer you as a college athlete?

1160 *Mr. Burton. Yeah. So tutoring was by far the number
1161 one thing for me that was offered. I know for sure I have a
1162 reading -- not disability, but I have a reading problem. I
1163 am dyslexic for the most part, and so like having a tutor be
1164 able to like talk to me in the way I needed to be taught was
1165 super beneficial, having them, you know, 24/7. That was
1166 probably by far the number one thing that was most beneficial
1167 for me as a student-athlete.

1168 *Mr. Bilirakis. Very good.

1169 Kaley, as a current student-athlete, do you have
1170 anything to add on the benefits you currently receive as a
1171 student? And how some proposal to change that model may
1172 affect your ability to continue to receive such benefits?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1173 *Ms. Mudge. Yes. I feel that the college student-
1174 athlete model that we have today works. I can speak for a
1175 lot of athletes when I say that we have used athletics as an
1176 avenue to get a college degree, and that having a partial
1177 scholarship helping to pay for college, being able to play
1178 the sport we love, has also given us an opportunity to get an
1179 education.

1180 And if that model were changed and funds could be
1181 redirected away from Olympic sports and away from our
1182 scholarships, we wouldn't be able to play the sport we love,
1183 and we also wouldn't be able to -- some of us wouldn't be
1184 able to afford college or go to college without the
1185 opportunities that we have been given as a student-athlete.
1186 So the student-athlete model that we have now works.

1187 *Mr. Bilirakis. Thank you so very much.

1188 All right. Now I will recognize Representative Castor
1189 from the great State of Florida for her five minutes of
1190 questioning.

1191 *Ms. Castor. Well, thank you, Chairman Bilirakis.
1192 Leave it to you to bring Gators and Seminoles together. And
1193 as Tampa Bay's congresswoman, I want to say to you,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1194 Mr. Burton, thank you so much for your philanthropic
1195 activities back home, including the Mort Elementary Community
1196 School.

1197 And, Ms. Mudge, as an FSU alum, I am very proud of your
1198 personal accomplishments, and proud to watch how FSU, once
1199 known as a football powerhouse -- and doing all right this
1200 past year -- but they have really become a women's soccer and
1201 women's softball championship school, and that is not by
1202 accident.

1203 You said in your testimony, as we celebrate 50 years of
1204 Title IX, it is important that we ensure the opportunities
1205 for participation and access to higher education,
1206 particularly for underrepresented populations, that they are
1207 fostered and insured. There are many threats through
1208 legislation and litigation that would undermine this model.

1209 Title IX did not just elevate women in collegiate
1210 sports, but it elevated collegiate sports overall. And my
1211 friend and colleague, Mrs. Trahan, is living proof of that,
1212 and she knows it well.

1213 Title IX prohibits discrimination at federally funded
1214 schools and in collegiate athletics. Name, image, and

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1215 likeness policy should not undermine the progress we have
1216 made or warp this -- the operation of this important civil
1217 rights law.

1218 Commissioner Heppel, do you believe that women have NIL
1219 opportunities as lucrative as their male counterparts? And
1220 what should we be thinking of as we craft some guardrails
1221 here federally to ensure that women and girls have every
1222 opportunity to participate?

1223 *Ms. Heppel. Thank you. You know, I -- the challenge
1224 in answering that question is that we don't know, right? We
1225 don't have the transparency around what is happening in the
1226 NIL space.

1227 The anecdotal evidence and some of the data through what
1228 I would call voluntary reporting is that, no, you know, what
1229 we are seeing is that NIL is being used as many -- not all, I
1230 will -- I will caveat there, but recruiting inducements to
1231 enroll out of high school, or -- or as transfer, and that I
1232 think undermines what really is the great opportunity that
1233 NIL presents.

1234 And so the need for transparency in a national structure
1235 in this area -- within the Patriot League, I can say that we

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1236 have -- you know, we invested as a league in a software
1237 platform where reporting could take place. We have -- we
1238 crossed four different states, the District of Columbia, Army
1239 and Navy are members of the Patriot League, the cadets and
1240 midshipmen are federal employees, so the regulations run
1241 federal employees engaging in NIL is another --

1242 *Ms. Castor. Okay.

1243 *Ms. Heppel. -- another -- yeah.

1244 *Ms. Castor. Dr. Abdullah, what do you think we need to
1245 -- what kind of guardrails do we need to have in place moving
1246 forward to ensure equity?

1247 *Dr. Abdullah. You know, I think one of the critical
1248 things is that we need to make sure that as students
1249 negotiate their NIL deals, as they work with different
1250 institutions, that the information is transparent, that they
1251 can compare information from one institution and/or
1252 collective to another.

1253 And I think if we are able to do that, then students and
1254 student-athletes can successfully negotiate their value on a
1255 higher level.

1256 *Ms. Castor. Okay. Ms. Mudge?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1257 *Ms. Mudge. Yes. I think for guardrails I think it is
1258 just -- it would be very helpful for a level playing field.
1259 Just with what we have now, with different states having
1260 different rules, I think that can completely alter where
1261 recruits want to choose their schools based on what state has
1262 certain laws.

1263 And I think even with the transfer portal, like people
1264 deciding where they want to go, and I think it would be very
1265 helpful if we just had federal guardrails and legislation to
1266 keep everybody on the same page to have a level playing
1267 field.

1268 Specifically, I can think of transparency with fair
1269 market value. I personally don't know my fair market value.
1270 I had never been taught that. I still haven't. And having
1271 the education to know how much I could ask would be very
1272 helpful in the guardrails.

1273 *Ms. Castor. And, Mr. Chun, you had said only
1274 16.2 percent of NIL deals go to female athletes. My -- I am
1275 out of time, but could you provide some guidance in writing
1276 for the committee on this Title IX inequity issue?

1277 *Mr. Chun. Yes.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1278 *Ms. Castor. Thank you very much.

1279 I yield back.

1280 *Mr. Bilirakis. Thank you. Thank you.

1281 Now I will recognize the chairperson of the full
1282 committee and a great friend of mine, and I appreciate her
1283 giving me the opportunity to chair this subcommittee. So I
1284 want to recognize my friend, Cathy McMorris Rodgers, for five
1285 minutes.

1286 *The Chair. Thank you, Mr. Chairman. And,
1287 Mr. Bilirakis, you are doing an awesome job leading us.
1288 Thank you for today's hearing.

1289 I wanted to start with Mr. Chun. Just thank you for
1290 being here again. And while there are certainly differences
1291 in resources, even within the Power Five, you represent an
1292 institution with lots of resources for their student-
1293 athletes.

1294 Would you just walk us through the ways that you are
1295 helping support and educate young student-athletes at WSU as
1296 they are approached by agents, collectives, and large dollar
1297 NIL deals?

1298 *Mr. Chun. Well, first and foremost, Madam Chair, thank

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1299 you for the leadership you provide to eastern Washington, and
1300 we appreciate your leadership on this topic.

1301 At Washington State, our goal is to empower, educate,
1302 and protect our student-athletes. Our program is actually
1303 similar to what is going on at Florida State. We take great
1304 pride in, prior to the NCAA, allowing NIL. We partnered with
1305 our Carson College of Business. We have a credited course on
1306 campus that goes through all of the -- all of the major
1307 points of NIL from tax education, managing your social media,
1308 contracts. So that is really probably our biggest piece.

1309 We also have full-time staff that we currently employ
1310 that works directly with our student-athletes. As you are
1311 aware, in the State of Washington, we do not have an NIL law.

1312 So we are -- we are governed by state ethics laws, so
1313 that is prohibitive on what we can do in terms of directing
1314 our student-athletes with collectives and with deals, but
1315 ultimately we provide as much education and introductions as
1316 possible with our student-athletes while complying with
1317 Title IX NCAA rules and State of Washington rules.

1318 *The Chair. Thank you. Would you speak to what you
1319 believe would become of school programs, conferences, if we

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1320 fail to provide federal certainty to the NIL landscape? And
1321 how do you see the NCAA factoring into this future?

1322 *Mr. Chun. Well, let me make clear, a true NIL is
1323 extraordinarily positive for student-athletes, and that needs
1324 to continue. It is what is going on with recruiting
1325 inducements with some of these collectives that ultimately
1326 are fraudulent in what they are doing with NIL. And that is
1327 -- I mean, I read this morning tracking on Florida Atlantic
1328 University -- I used to work there -- and their extraordinary
1329 run to the Final Four.

1330 In The Palm Beach Post this morning, the head coach is
1331 already talking about tampering by third parties to his
1332 existing roster. That has been happening for weeks. And we
1333 have rules today in the NCAA that don't allow tampering, that
1334 don't allow inducements, but because of the disparate state
1335 laws, the NCAA is at a point now where it is incapable of
1336 enforcing those rules.

1337 So where this thing heads is concerning, because as we
1338 continue to spiral away from any type of commonality with
1339 recruiting, with the impact it is having on student-athletes
1340 in terms of just the amount of noise they have to deal with,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1341 as stated earlier, the value of the degree is what our focus
1342 is on in higher education.

1343 But I do see -- I do see impacts. If where we are
1344 headed ultimately leads to, you know, five conferences or a
1345 subset of schools in those five conferences having to deal
1346 with this environment in a different way, does have a
1347 negative impact on the rest of Division 1, Division 2, and
1348 Division 3. I mean, it is clear the business model of NCAA
1349 is what we will see this weekend at the men's Final Four.
1350 That funds the entire operation.

1351 *The Chair. Thank you. Thank you.

1352 Dr. Abdullah, does Virginia State have the resources to
1353 support student-athletes in the same way that bigger schools
1354 do? And are athletes seeing the same level of NIL deal
1355 engagement?

1356 *Dr. Abdullah. No. Thank you, Madam Chairwoman. No,
1357 ma'am. Virginia State University, as a Division 2
1358 institution, we support our athletes and our athletic program
1359 almost entirely on student fees. The amount of funds that
1360 the students have in terms of scholarships and the facilities
1361 is quite a bit different than you would find at a Power Five

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1362 conference, and the level of NIL deals that our students have
1363 is quite a bit different.

1364 We do not have an NIL collective at Virginia State
1365 University, and so many of our athletes are successfully
1366 trying to negotiate their own value on the open market. If
1367 you --

1368 *The Chair. Thank you. Very good.

1369 And, Ms. Mudge, just in the time remaining, would you
1370 speak to Title IX and just how you believe -- or just how it
1371 can potentially be reversed in coming years if we don't get
1372 this right?

1373 *Ms. Mudge. Yes. I think that Title IX has definitely
1374 paved the way, and I am super grateful for those who have
1375 paved the way before me. And I have had a great experience
1376 in my four years as a college athlete, and I would hate to
1377 see it reversed by new models coming in to take away
1378 opportunities for the Olympic sports, especially for women's
1379 sports as well.

1380 So I would hate to see college athletes not have the
1381 experience that I have in the future, so I am just grateful
1382 for everything that I have gotten through Title IX.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1383 *The Chair. Thank you all for being here. I yield
1384 back.

1385 *Mr. Walberg. [Presiding] I thank the chairman for
1386 yielding back. And as a former wrestler, I am very attentive
1387 to the clock. There were times I wanted to hear that horn
1388 sound.

1389 [Laughter.]

1390 *Mr. Walberg. And so I will warn my colleagues I am not
1391 -- I am not quite as deferential as our chairman of the
1392 subcommittee, so we are going to keep to clock here.

1393 And so now I turn over five minutes of questioning to
1394 the ranking member, Representative Schakowsky.

1395 *Ms. Schakowsky. I am nervous now. Okay. I am
1396 watching. I am moving actually a little away from you. No.

1397 So I wanted to ask Mr. Stahl a couple of questions. I
1398 am wondering -- and you are representing Players Association.

1399 *Mr. Stahl. Yes, ma'am.

1400 *Ms. Schakowsky. Yeah. What specific things should
1401 college sports do to improve the health care and the safety
1402 of our student-athletes?

1403 *Mr. Stahl. Well, I will speak specifically to our

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1404 football player members, the CFBPA. I think twofold --
1405 first, we should look at the practice environment. We have a
1406 platform plank that is structured around this. I think the
1407 practices environment right now is pretty much under the
1408 control of a coach. Some coaches are caring; some coaches
1409 are not.

1410 And I think that having independent third party
1411 representatives from CFBPA in those practice environments,
1412 making sure rules and regulations regarding health and safety
1413 were followed, particularly in football where we all know
1414 that brain injuries are so prevalent. They are prevalent
1415 most in the practice situation. So that is what I would say,
1416 first, second.

1417 I think post-playing career, health protections are
1418 integral. Mr. Burton's story I think was one I hear a lot
1419 from our alumni members, quite frankly. Justin Falcinelli is
1420 sitting behind me. He has a very similar injury story of
1421 getting an injury one of the last games of the season. You
1422 are going to go on, you have these NFL dreams, and then what?

1423 And so I think there is this question, then, of what is
1424 the responsibility of the NCAA? Or what is the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1425 responsibility of the member institutions or the conference?
1426 We think guaranteed health care standardized across the
1427 industry would be a good starting point.

1428 Access to hospitals and clinics that are on these
1429 universities and campuses I think would be integral to long-
1430 term care, and then also brain injuries, which show up
1431 sometimes decades -- you know, after effects from brain
1432 injuries, sometimes decades are they happen.

1433 *Ms. Schakowsky. Do you think -- are you thinking also
1434 about CTE, not just about concussion?

1435 *Mr. Stahl. I mean, I know there is a lot of debate
1436 around CTE. I very much prefer to use the term "brain
1437 injury.'" I have used it several times here --

1438 *Ms. Schakowsky. Okay.

1439 *Mr. Stahl. -- in part because I think it gets us out
1440 of political debates around CTE.

1441 *Ms. Schakowsky. Okay.

1442 *Mr. Stahl. I think, though, we see and see this in our
1443 alumni members. I can't tell you the number of men I have
1444 had discussions with at 30, 40, 50, 60, still suffering from
1445 those brain injuries that they incurred in college. And we

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1446 are here not talking about people like Mr. Burton who went on
1447 to the NFL. We are talking about people strictly with a
1448 college playing career.

1449 *Ms. Schakowsky. So let me ask you this. Do you think
1450 that collective bargaining would be helpful for student-
1451 athletes?

1452 *Mr. Stahl. I do. I think there is a number of forums
1453 collective bargaining could take, though. I am cognizant of
1454 what new NCAA President Charlie Baker said, that there is
1455 sort of two tiers that seem to be happening here. I think
1456 long term, as we look at the evolution of college football,
1457 that could be where we are going.

1458 And so as we think about collective bargaining, a formal
1459 collective bargaining effort through unions, through union
1460 chapters, or through a union at the conference level, let's
1461 say, like we -- we have attempted to do in the past, would be
1462 important for those programs at the highest level play here.
1463 I am talking about what are called Power Five football
1464 programs.

1465 But we have members from all levels of play, and so I
1466 think that is important to talk about. So I think what is

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1467 appropriate for a Power Five program or a Power Five
1468 conference is not going to be appropriate for levels on down.
1469 But of course those members need a players association as
1470 well, and they need collective bargaining. I do believe at
1471 those levels, though, it could be done on a voluntary basis.

1472 We have already started doing some of that. We have a
1473 core group of members at a Division 1 FCS school, and at that
1474 school I have had conversations with the coach that I would
1475 characterize as informal collective bargaining around issues
1476 that are central to our members at that program. So our
1477 members came to us and said, "We are not getting proper
1478 nutrition."

1479 So, you know, there is a way in which we listen to our
1480 members, and then the bargaining that we would do is
1481 dependent upon what they want to do.

1482 *Ms. Schakowsky. Thank you for that. You know,
1483 billions and billions of dollars is involved in student
1484 athletics. Not every institution -- I understand that -- and
1485 not every sport, but we certainly want to do more I think to
1486 protect our student-athletes. I really appreciate that. I
1487 also just -- well, I guess I was going to thank Kathy Castor

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1488 for taking my seat, and I really thank all of the witnesses.

1489 Want to work more with you as we move forward.

1490 Thank you so much. Thank you.

1491 *Mr. Stahl. Thank you, ma'am.

1492 *Mr. Walberg. I thank the gentlelady for setting the

1493 charted course now with four seconds left to spare.

1494 *Ms. Schakowsky. You threatened me.

1495 *Mr. Walberg. I would never threaten you.

1496 [Laughter.]

1497 *Mr. Walberg. I am not that brave.

1498 I want to recognize now for his five minutes for

1499 questioning the gentleman from Indiana, Dr. Bucshon.

1500 *Mr. Bucshon. Well, thank you very much, and thanks for

1501 this hearing. It is very timely.

1502 Since coming to Congress, I have had the opportunity to

1503 participate in several hearings related to this issue -- back

1504 in 2014, related to the attempted unionization of

1505 Northwestern University athletes, is what I am going to

1506 comment on.

1507 During my time on the Education and Workforce Committee,

1508 I got to speak with former all-American student-athletes from

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1509 low income backgrounds who went on to play professional
1510 sports. They told me about how when they were in school,
1511 however, despite full scholarships, they couldn't afford the
1512 host of personal expenses, including one of them described
1513 going out for pizza with his friends as his friends paid for
1514 that type of thing because he didn't have the money.

1515 But I also feel like from that hearing and all of the
1516 testimony that an employment model for student-athletes
1517 creates all kinds of unintended consequences and would be
1518 very difficult to maintain the integrity of the student-
1519 athlete system as we know it today. But stories like this
1520 are why the advent of NIL deals occurred and why earnings for
1521 such athletes can be and will be a positive thing.

1522 I am fully supportive of individuals being able to
1523 participate in the free market and to be able to earn what
1524 they can and determine their value as you described.

1525 While I believe we need a system that accommodates such
1526 opportunities, I also recognize the need to preserve the
1527 student-athlete model, as I mentioned, that is relied upon by
1528 the overwhelming majority of athletes. Like many of my
1529 colleagues on this committee, I represent universities with

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1530 NCAA Division 1 athletic programs.

1531 I proudly represent the University of Evansville and
1532 Indiana State University, members of the Missouri Valley
1533 Conference, one of 32 NCAA Division 1 multi-sport
1534 conferences, as well as the University of Southern Indiana,
1535 which is currently transitioning from Division 2 into
1536 Division 1.

1537 Though you may not have seen many valley teams competing
1538 on TV or know that its top athletes continue to compete at a
1539 professional, Olympic, and Paralympic levels. The valley is
1540 representative of the typical collegiate athletic experience
1541 for most student-athletes across the country. They attend
1542 classes, they graduate, and they compete for championships
1543 across 17 sports at the Division 1 level.

1544 There are approximately 200,000 student-athletes
1545 competing in Division 1; 80 percent of them are thriving and
1546 finding tremendous success in conferences similar to the
1547 Missouri Valley.

1548 So, Dr. Abdullah, I recognize there are differences in
1549 the levels of student support available from schools whose
1550 athletic programs do and do not generate revenue. Is there a

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1551 risk of young athletes unintentionally locking themselves out
1552 of financial aid or future NIL opportunities if resources are
1553 limited, especially at smaller schools?

1554 *Dr. Abdullah. Thank you, sir, for the question.

1555 *Mr. Bucshon. If that makes sense.

1556 *Dr. Abdullah. It does. It does. You know, I think it
1557 is critically important that we provide the right
1558 opportunities for our students. One of the things that my
1559 athletic director tells me all the time is that we have to be
1560 -- we have to be wary of those who purport to protect
1561 student-athletes, and instead what we need to do at Virginia
1562 State is to provide them with the knowledge and information,
1563 so that they can protect themselves.

1564 I have run into a gentleman today -- yesterday at the
1565 hotel, Mr. Jamar Samuels, who was unfortunate -- had an
1566 unfortunate incident in 2012 where he was ruled ineligible
1567 for accepting \$200. At that time -- we all know that before
1568 NIL that all of us were dealing with rules and regulations
1569 that we thought to purport to protect students -- student-
1570 athletes, and in fact they weren't doing that.

1571 And so I think that with transparency, even those

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1572 schools that have limited resources such as ours, that we can
1573 compete on the open market, albeit quite differently than
1574 some of our colleagues here, and that we can provide quality
1575 opportunities for those young people who choose to come to
1576 Virginia State University.

1577 *Mr. Bucshon. Sure. We don't want athletes to make
1578 mistakes that would compromise their futures.

1579 Ms. Heppel, do you believe that institutions
1580 distributing NIL support resources should do so among all
1581 student-athletes and not just those participating in revenue-
1582 generating sports?

1583 *Ms. Heppel. Thank you. Absolutely. I mean, what we
1584 are talking about are educational resources and tools to be
1585 successful in life as a student, but then beyond, and those
1586 should be equally accessible to all student-athlete
1587 participants.

1588 *Mr. Bucshon. You know, what are some potential
1589 guardrails to consider to ensure that institutions do not
1590 focus the overwhelming majority of their NIL support
1591 resources for athletes to revenue-generating sports? I mean,
1592 it is a tough -- it is a tough problem, right?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1593 *Ms. Heppel. Well, but it is consistent with
1594 challenges, and we already, as leaders in athletics, focus on
1595 the well-being of all of our student-athletes, regardless of
1596 the sport. Thank you.

1597 *Mr. Bucshon. Thank you. I yield back.

1598 *Mr. Duncan. [Presiding] The gentleman's time has
1599 expired. The chair will now recognize Ms. Blunt Rochester
1600 for five minutes.

1601 *Ms. Blunt Rochester. Thank you, Mr. Chairman. While I
1602 was not an athlete, I did graduate from the Cinderella school
1603 that busted everyone's bracket, Fairleigh Dickinson
1604 University, and I was born in Philadelphia. So on behalf of
1605 all of us, we thank you, Mr. Burton, for the Philly Special.

1606 Thank you to all of the witnesses here for your
1607 testimony, and I am glad that we are having this very
1608 important conversation about the rights and protections of
1609 collegiate athletes. Since 2021, we have taken large strides
1610 forward on the right to benefit from one's own name, image,
1611 and likeness.

1612 Still, we are faced with significant questions on how we
1613 should continue to support the rights of collegiate athletes

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1614 and ensure they have the right tools to make the best
1615 decisions possible.

1616 Dr. Abdullah, thank you for your testimony and for your
1617 work advocating for HBCUs. As the only member of the House
1618 from Delaware, I have the privilege of representing Delaware
1619 State University here in Congress, and I want to acknowledge
1620 your role on the Presidential Board of Advisors for HBCUs
1621 that is chaired by Delaware's own DSU President, Dr. Tony
1622 Allen.

1623 Dr. Abdullah, if a federal NIL standard were to be
1624 developed, what key provisions would you suggest be included
1625 to help ensure that athletes at mid-sized schools, smaller
1626 schools, and historically black colleges and universities in
1627 particular, are protected and afforded the best opportunity
1628 to succeed.

1629 *Dr. Abdullah. Thank you so much, ma'am. It is
1630 important to note that there are over 500,000 athletes that
1631 participate in NCAA championship sports. And many of those
1632 athletes are at Division 2, Division 3, and smaller mid-major
1633 institutions in Division 1.

1634 And so designing rules and regulations that are, one,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1635 transparent, but also take into account that there are many
1636 different sizes of institutions that generate quite different
1637 revenue, who offer different sports, but to make sure that we
1638 can provide protection -- NIL protection for all of those
1639 students through transparency.

1640 *Ms. Blunt Rochester. In your testimony, you stated the
1641 importance of providing athletes with the proper tools to
1642 manage the responsibilities that come with NIL deals. Ahead
1643 of this hearing, I heard from a group of athletes on Delaware
1644 State University's Student-Athlete Advisory Committee about
1645 how difficult it is to navigate NIL deals and the need for
1646 increased resources and support for athletes interested in
1647 benefiting from them.

1648 Can you talk specifically about what kind of resources
1649 or tools would support HBCUs, such as yourself, and as you
1650 support the athletes navigating these to make sure that they
1651 are protected?

1652 *Dr. Abdullah. Our institution, through our athletic
1653 director, Mrs. Peggy Davis, does a lot of the same things
1654 that our other institutions do in terms of providing quality
1655 education for students. But our SAAC director also,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1656 Ms. Alexis Baker, mentioned the same thing as the students
1657 from Delaware State, that really a lack of transparency, not
1658 knowing the rules in different states, not knowing whether
1659 she is getting the best deal in Virginia or whether she
1660 should be getting a deal somewhere else, is critically
1661 important. And so transparency is critical.

1662 *Ms. Blunt Rochester. I think that issue of
1663 transparency and also the patchwork nature of what is
1664 happening is also very confusing.

1665 How can we make sure that the competitive disadvantage
1666 many HBCUs and HBCU athletes face as a result of these
1667 limited resources is not exacerbated by NIL?

1668 *Dr. Abdullah. Ma'am, I will tell you this. We are
1669 proud to compete against everybody all the time. Whether it
1670 is facilities or resources or coaches, we are always at a
1671 competitive disadvantage in many aspects, but we are proud to
1672 compete. And what we don't want to happen -- we want to make
1673 sure that young people have access to find the way to find
1674 their true value and to get their resources, and we would not
1675 want to hold that back.

1676 *Ms. Blunt Rochester. Thank you.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1677 And, Mr. Stahl, you mentioned in your testimony that
1678 Dartmouth College is employing a new technology to eliminate
1679 players on the same team hitting one another during practice.
1680 Can you explain this technology in a bit more detail? And is
1681 there -- is this something that you think should be scaled up
1682 more broadly? Are there other emerging technologies that
1683 show promise as well for safety and the experience of the
1684 collegiate athlete?

1685 *Mr. Stahl. I greatly appreciate that question. Yes, I
1686 do think they should be scaled up. Absolutely. It is -- in
1687 terms of cost, I was shocked recently to find out that -- so
1688 what they use effectively are robot tackling dummies. They
1689 cost about \$6,000 each. And so we had somebody from our
1690 organization who did this research to find out, okay, where
1691 do these exist, right? There are some in the pros.

1692 In terms of the top tier of, you know, thinking about
1693 Power Five schools, they are in use at Michigan. Dartmouth,
1694 we really do feel, you know, the Ivy League in particular is
1695 at the forefront here of using this type of technology and
1696 showing that you can win -- they have won many Ivy League
1697 championships despite the fact that there are -- or I would

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1698 say because they are using this technology and practice.

1699 *Ms. Blunt Rochester. Well, thank you for your answer.

1700 We will follow up after this as well --

1701 *Mr. Stahl. Please.

1702 *Ms. Blunt Rochester. -- to get more details, and I
1703 yield back.

1704 *Mr. Duncan. The gentlelady yields back.

1705 I will now recognize myself for five minutes. We are on
1706 our third chairman today, but I am glad to be chairing this.
1707 I have followed the NIL issue for quite a long time here in
1708 Congress.

1709 So as my wife who is in the room with us today can
1710 attest, I am a college football junkie. And Washington State
1711 University, my son and I watch, that is our late-night game
1712 on the east coast, especially during the seven years that
1713 Mike Leach was there, rest his soul, and enjoy WSU football.

1714 I will say that I understand that NIL is here to stay,
1715 but I align myself with some comments Jake Sherman made today
1716 in Punchbowl Sports when he said the ability of college
1717 athletes to get paid while they compete has changed the
1718 landscape of amateur athletics. And I agree with that.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1719 I appreciate the amateurism of college sports at all
1720 levels. I say I am a college football junkie, but I like
1721 college sports in general.

1722 As the proud elected representative of South Carolina's
1723 3rd Congressional District, I have the distinct honor of
1724 representing Clemson University, home to the 2016 and 2018
1725 college football national champions. And I am glad Buddy
1726 Carter isn't here. I don't want to hear about the Georgia
1727 Bulldogs. We hear enough of that. Many of our Tigers have
1728 gone on to illustrious careers in the NFL.

1729 In your written testimonies, Director Chun asked us to
1730 develop federal standards that provide transparency and
1731 enforceable safeguards to mitigate the negative impact of
1732 existing NIL environment. Commissioner Heppel stipulates the
1733 need for development of a national standard around NIL
1734 rights.

1735 Mr. Burton testifies that -- to the need to establish a
1736 uniform set of rules with clear guidelines with an eye to
1737 pay-to-play issues and recruiting. And Ms. Mudge says that
1738 it is imperative that we have uniform guidelines and
1739 expectations relative to NIL as opposed to the current

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1740 framework, and also with an eye towards potential recruiting
1741 problems.

1742 I think that is remarkable -- a current athlete, a
1743 former athlete, an athletic director, and a league
1744 commissioner in unanimous agreement on the need for a
1745 national standard.

1746 So, Commissioner Heppel, let me start off with
1747 acknowledging something that I think I heard you say, and
1748 that is there is a value of a scholarship and the benefits
1749 provided by the university to college athletes that is often
1750 left out of this debate. They are already getting some
1751 value.

1752 And, as Mr. Burton said, the value of that college
1753 degree to go on -- and even Ms. Mudge, to go on to a nursing
1754 degree and career, there is value in that and that needs to
1755 be kept in the forefront as we talk about this.

1756 I am afraid that the redistribution of revenues will
1757 affect the ability of universities to fund some of the lower
1758 -- I say lower tier; they are not -- but lower tier athletic
1759 programs, other than college football, college basketball,
1760 and baseball, and some sports.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1761 So, Commissioner Heppel, as a league commissioner, what
1762 should the standards look like?

1763 *Ms. Heppel. Thank you, I think. The -- no, I mean, I
1764 -- it is the key question. I would say that we have to start
1765 with what NIL is not and should not be used as, which is
1766 recruiting inducements and pay-for-play.

1767 *Mr. Duncan. Right.

1768 *Ms. Heppel. And clearly have regulations that preclude
1769 that, which we do now in the NCAA structure. But, as you
1770 noted, the patchwork of state laws around NIL specifically
1771 make that hard to enforce at a national level, and this is
1772 national competition.

1773 *Mr. Duncan. And, look, I agree with you. I mean, the
1774 coaches that are recruiting -- and now we are going to have
1775 alumni participating in that -- I came through right after
1776 the Charlie Pell years at Clemson University where recruiting
1777 violations by alumni and booster clubs caused us to go on
1778 probation right after our national championship.

1779 I want to move to Mr. Stahl. The ACC Student-Athlete
1780 Advisory Committee in its letter of March 28th states, "A
1781 pay-for-play model would exacerbate the disparities faced in

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1782 women's sports and historically black colleges and
1783 universities as funds will have to be redirected from non-
1784 revenue-generating sports to almost entirely football and
1785 men's basketball. Even at Power Five level, roughly half of
1786 athletic departments run a deficit annually.''

1787 "Directly compensating student-athletes will further
1788 expose challenges to sustain other sports, potentially
1789 forfeiting opportunities for thousands of prospective
1790 student-athletes in years to come. In essence, the college
1791 model must remain unchanged. Congress would do a disservice
1792 to student-athlete sports culture and American society in
1793 general if it passes a bill that diminishes the educational
1794 opportunities that leave schools no choice but to reduce
1795 scholarships or cut programs to budget reallocations.''

1796 Mr. Stahl, unless you can point to a previously unknown
1797 source of funding that keeps these other sports funded as
1798 they are today, I am not willing to kill the aspirations of
1799 so many young athletes who don't play football. Can you
1800 speak to that?

1801 *Mr. Stahl. What is the question specifically?

1802 *Mr. Duncan. So, you know, if your reallocation --

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1803 reallocating these funds, how are the softball players, the
1804 hockey players, the lacrosse, the track and field, how are
1805 they going to be funded? And would this not limit
1806 opportunities for student-athletes at these universities to
1807 have the opportunity to get a scholarship, attend a college,
1808 and reap the benefits that Mr. Burton and Ms. Mudge have?

1809 *Mr. Stahl. Okay. So there is a levels of play
1810 question for -- here for sure. And there is new money coming
1811 in. So the media rights contracts that are coming down the
1812 pipe now, and all the Power Five conferences, college
1813 football playoff system, we are talking about many, many,
1814 many new billions of dollars.

1815 *Mr. Duncan. Well, that is --

1816 *Mr. Stahl. The idea --

1817 *Mr. Duncan. -- Power Five. Let's go to Dr. Abdullah.
1818 How is your university going to navigate all that? My time
1819 is way over, but quickly.

1820 *Dr. Abdullah. I think we -- again, our university is
1821 primarily based on student fees. We are managing it now. We
1822 are managing it through NIL, and we believe that transparency
1823 will help athletes be able to determine their value.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1824 *Mr. Duncan. Okay. Thank you.

1825 My time is up. I will go to Mr. Soto from Florida for
1826 five minutes.

1827 *Mr. Soto. Thank you, Chairman. You know, college
1828 sports is now a \$16.6 billion industry. Just incredible when
1829 you think about those numbers. And I want to thank my fellow
1830 Floridian and Chairman Bilirakis for inviting both UF and FSU
1831 to this panel. Let it not be said this committee is not fair
1832 and balanced. That led to a whole rivalry discussion in my
1833 office, so thank you to Gus for that one.

1834 And we have two teams in the Final Four, Miami and FAU,
1835 which also is worthy of discussing how proud we are of both
1836 of those programs.

1837 Many athletes come from communities of color or
1838 socioeconomically disadvantaged communities in college
1839 sports, obviously not everyone, and we have seen it become a
1840 volatile combo over the years with -- prior to NIL -- name,
1841 image, likeness -- compensation being established.

1842 When I was in the Florida Senate, FSU was heading into
1843 the championship, and a major player had legal trouble -- a
1844 minor theft -- in the midst of all this stuff, because that

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1845 player lived in nearly abject poverty, being surrounded by
1846 money on all sides, from students and boosters to
1847 universities. And it just struck me how this person could
1848 help lead this amazing program and still lack basic funds
1849 that your average FSU student had.

1850 And so, in 2021, Florida establishes the new law, first,
1851 establishing an NIL statute. And then they made some reforms
1852 in 2023, which I wanted to ask some of our folks about first,
1853 that allows the universities to be involved in setting up
1854 endorsement deals should the college athlete like that want
1855 that to happen.

1856 Two, financial literacy, life skills, and
1857 entrepreneurial workshops. Now NIL contracts can last longer
1858 than the period of that athlete's collegiate career, and
1859 college athletes and their representatives no longer need to
1860 disclose the athlete's contracts to the schools should they
1861 not.

1862 So my first question is for Ms. Mudge. Florida law we
1863 talked about has this financial literacy, life skills, and
1864 entrepreneurial workshops requirement. Did you participate
1865 in those workshops? Were those helpful for you or for some

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1866 of your colleagues?

1867 *Ms. Mudge. Yes. I am not sure if these are the
1868 workshops you are talking about or not, but we were given a
1869 lot of information from our compliance department. And also,
1870 having teammates that are in the NIL courses from Florida
1871 State University, they have learned a lot about how to read
1872 contracts, how to negotiate deals, and just the new world of
1873 how to make a brand for yourself.

1874 I am not particularly sure on which workshops you might
1875 be discussing, but I just feel, as a student-athlete,
1876 especially at Florida State, they have given us a lot of
1877 information of how to go about the new NIL world.

1878 *Mr. Soto. Sure. And that definitely sounds like the
1879 results of the new statutes. So thank you, Ms. Mudge.

1880 Dr. Abdullah, do you think these types of workshops
1881 would be helpful nationwide?

1882 *Dr. Abdullah. I think they definitely would be helpful
1883 nationwide. And given that our academic institutions -- and
1884 I know we all are doing it, but the fact that we are involved
1885 in education -- I mean, that is the critical part, and I
1886 think it is very important that we continue to provide

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1887 guidance for young people to be able to maximize their value.

1888 *Mr. Soto. And, Mr. Burton, you have had the amazing
1889 honor from your hard work of both playing on the collegiate
1890 level and on the NFL level, how important do you think early
1891 on getting some of this financial direction would be, given
1892 your experience with some of your colleagues from college,
1893 and then going into the NFL?

1894 *Mr. Burton. Yeah. I think it is extremely important.
1895 Knowing what I know now, you know, if I did have NIL, you
1896 know, after playing seven years in the league and doing
1897 endorsement deals and marketing deals and contracts, I would
1898 have been a completely different person.

1899 So I think, you know, now that guys are -- men and women
1900 are starting to get paid, before it was important but you
1901 didn't really know what you didn't know, you know? Like I
1902 went to -- I went to classes at Florida about taxes, but I
1903 didn't really understand what taxes were until I got to the
1904 NFL and, you know, half my check is gone. So I think they
1905 are extremely important.

1906 *Mr. Soto. It depends on what state you live in for the
1907 record. And, well, Mr. Burton, you may have a career

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1908 teaching NIL financial literacy to one of Florida's local
1909 universities, so --

1910 *Mr. Burton. I would love that.

1911 *Mr. Soto. -- we certainly appreciate that.

1912 The other thing I want to talk about briefly is, you
1913 know, college sports is glorious, but also is dangerous. You
1914 can get injuries that last for years. And so, Mr. Stahl, or
1915 Dr. Stahl, do college sports help support health care needs
1916 of former athletes suffering from these injuries after their
1917 playing career is over?

1918 *Mr. Stahl. Not as well as they should. I think there
1919 really needs to be a uniform nation -- we were talking a lot
1920 about uniform nationwide standards regarding NIL. And I
1921 think what we should actually be talking about is uniform
1922 nationwide standards regarding health care after players are
1923 done with their playing days.

1924 *Mr. Soto. Thank you, Dr. Stahl.

1925 It is clear we need national rules eventually. Our
1926 states are our workshops on this right now. But I would
1927 encourage the chairman to continue onward for nationwide
1928 standards to avoid this asymmetry in competition we heard a

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1929 lot about earlier today.

1930 And I yield back.

1931 *Mr. Bilirakis. [Presiding] Thank you. Appreciate it
1932 very much.

1933 All right. Now I recognize the vice chairman of the
1934 subcommittee, Mr. Walberg, from good friend from Michigan.

1935 *Mr. Walberg. Thank you, Mr. Chairman, and now I find
1936 out maybe I could have had my five shoulder surgeries taken
1937 care of.

1938 Appreciate all the witnesses being here today. It is a
1939 topic that -- it is past its time of addressing. In 2021,
1940 the State of Michigan passed a name and image and likeness
1941 law for our colleges and institutions. Go Blue, Go Green.
1942 But Michigan is only one state in the patchwork of state NIL
1943 laws and is causing confusion across conferences.

1944 We need to establish clear rules of the road, so
1945 athletes, colleges, and advertisers can all benefit. The
1946 radical National Labor Relations Board -- that is my own
1947 opinion -- in 2021 issued a memo where the general counsel
1948 alleged that student-athletes had been misclassified and are
1949 in fact employees at the academic institutions.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1950 As a member of the Education and Workforce Committee who
1951 has jurisdiction over this topic, I have heard from smaller
1952 schools in Michigan, such as Adrian College, a school that
1953 blossomed from 800 students to 1,700 students in a short
1954 period of time due to upgrading their athletic programs to
1955 over 50 teams, 70 percent of their scholar athletes are
1956 involved in those teams, ranging from of course football and
1957 basketball, lacrosse, hockey, women's hockey, women's
1958 synchronized swimming, Esports, and even bass fishing, which
1959 is a revenue producer for the college.

1960 Sports grew this institution as well as its academic
1961 facilities, chemistry labs, business facilities, et cetera.

1962 Ms. Heppel, the Patriot League competes at the
1963 Division 1 level amongst schools like Mr. Chun's. But as
1964 your testimony shares, your league represents a diverse group
1965 of institutions, many of whom see reclassifying student-
1966 athletes as an employee as the breaking point for sponsorship
1967 of athletic programs.

1968 Can you share more on why many of your institutions have
1969 come to this conclusion?

1970 *Ms. Heppel. Thank you. Athletics is conducted and

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1971 considered an important co-curricular activity on our campus.
1972 It is part of the educational process and the experience that
1973 the student-athletes receive for being students and being
1974 fully engaged in campus life. That is not an employer-
1975 employee relationship. That is an institutional experience
1976 being provided to a student -- to the study body.

1977 So it would be incompatible to consider the student-
1978 athlete an employee in that type of relationship.

1979 *Mr. Walberg. Dr. Abdullah, would you care to answer
1980 that as well?

1981 *Dr. Abdullah. We have tons of extracurricular
1982 activities on campus, including an award-winning marching
1983 band, our debate club, as well as our student athletics. And
1984 so for us, a university that is committed to amateurism and
1985 in a conference that is committed to amateurism, that would
1986 be inconsistent for Virginia State University.

1987 *Mr. Walberg. Appreciate that. In 2014, the NLRB was
1988 involved with the Northwestern football players' effort to
1989 unionize their teams. In 2022, the NLRB was again involved
1990 in an effort to upend the current collegiate sports model.

1991 Dr. Stahl, your organization was involved in a recent

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1992 effort to unionize the football team at Penn State. Would
1993 you rather student-athletes unionize, or would you rather
1994 there not be student-athletes at all?

1995 *Mr. Stahl. It is up to them. Whatever our members
1996 want is what we try to do. And so our members tell us
1997 different things. When we were organizing Penn State, we
1998 actually had a two-tier campaign.

1999 The second tier said if there is not voluntary
2000 recognition of what we are trying to do, if there is not a
2001 coming to the table voluntarily with coaches, with
2002 administrators on campus, with the commissioner of the Big
2003 Ten, then, yes, we might have to go that more formal route.

2004 But we came out with our hand extended. We said --
2005 because that is what the members wanted to do at Penn State.

2006 *Mr. Walberg. At Penn State, they made that choice to
2007 not --

2008 *Mr. Stahl. That is correct.

2009 *Mr. Walberg. -- not unionize. Okay.

2010 *Mr. Stahl. No. They made the choice to have the
2011 unionization option as the backup option.

2012 *Mr. Walberg. As a backup option.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2013 Mr. Chun, would you like to respond to Dr. Stahl on that
2014 issue? And if collective bargaining were to take place, what
2015 resources would have to be relegated, perhaps to the
2016 detriment of students?

2017 *Mr. Chun. Complicated question.

2018 *Mr. Walberg. And I only have 11 seconds, 10 seconds.

2019 *Mr. Chun. I mean, ultimately, we are in a model that
2020 puts a primacy on academics, broad-based programming
2021 opportunities for men and women across multiple sports.
2022 Anything that -- you look to my right, how do you -- how is a
2023 football player unionized or an employee and a softball
2024 player isn't?

2025 We can all sit here and know the inputs are the same.
2026 She is putting as much time in as he did on the -- in the
2027 weightroom, in the classroom, in the practice field. There
2028 is no difference other than the venues in which they play in
2029 and the amount of viewership. That is it.

2030 *Mr. Walberg. Thank you.

2031 Thank you. I yield back.

2032 *Mr. Bilirakis. Thank you very much.

2033 I will recognize the gentlelady from New York,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2034 Ms. Clarke.

2035 *Ms. Clarke. Thank you very much, Mr. Chairman, and I
2036 thank our ranking member. I thank our panelists for being
2037 here today and for really shedding light on a topic that has
2038 taken on great resonance across this -- across this Nation.

2039 Recognizing collegiate athletes' name, image, and
2040 likeness rights is a step in the right direction. But it
2041 would be a mistake for this committee not to recognize and
2042 address what I think is the root issue, and that is the
2043 empowerment of collegiate athletes.

2044 I was just having a conversation with my colleague,
2045 Mrs. Trahan, and we are talking about collegiate when in fact
2046 the recruitment of these students start in their high school
2047 years. Right? So if we really want to look at the type of
2048 branding, information, and education, it kind of has to begin
2049 in their high school careers where they are truly on a track
2050 for that type of education.

2051 But having said that, this multi-billion dollar
2052 collegiate sports industry is built I believe off the backs
2053 of our students, mostly black and brown, collegiate athletes,
2054 and the benefits that they have received are very few. The

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2055 current system is premised both on collegiate athletes'
2056 disempowerment and unpaid labor, a system some -- like sports
2057 commentator Bomani Jones has termed "legalized
2058 exploitation."

2059 I think we are at the stage where that tipping point has
2060 been set, and I am hoping that we can move expeditiously to
2061 end the practice.

2062 Mr. Chair, I ask unanimous consent to enter into the
2063 record the March 21st New York Times op-ed entitled "Even the
2064 Supreme Court Can't Save the NCAA from Itself."

2065 *Mr. Bilirakis. Without objection, so ordered.

2066

2067

2068 [The information follows:]

2069

2070 *****COMMITTEE INSERT*****

2071

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2072 *Ms. Clarke. Thank you very much.

2073 In the recent Alston v. NCAA ruling by the Supreme
2074 Court, Justice Brett Kavanaugh wrote in a concurring opinion
2075 that "The current NCAA model is suppressing the pay of
2076 student-athletes who collectively generate billions of
2077 dollars in revenues for colleges every year."

2078 Those enormous sums of money flow to seemingly everyone
2079 except student-athletes. College presidents, athletic
2080 directors, coaches, conference commissioners, and NCAA
2081 executives take in six- and seven-figure salaries. Colleges
2082 build lavish new facilities, but the students who generate
2083 the revenues, many of whom are African American and from
2084 lower income backgrounds, end up with little to nothing.

2085 Mr. Chun, what are your thoughts on Justice Kavanaugh's
2086 observations? Is that an accurate characterization of the
2087 current system?

2088 *Mr. Chun. The primacy of academic is the number one
2089 priority of college athletics. The greatest factor today in
2090 social mobility is still a college education.

2091 Our business model is flawed. On most campuses, it is
2092 one, maybe two sports at least at our level that provide

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2093 resources and revenues to fund the rest of the athletic
2094 department. And, oh, by the way, we are legally obligated to
2095 follow Title IX. So access, opportunity, there has to be
2096 equity.

2097 So the model that we have currently provides
2098 extraordinary opportunities for multiple student-athletes.
2099 And, oddly enough, the segment of -- there is a certain
2100 segment of schools, because of this men's basketball
2101 tournament, that provide opportunities like Dr. Abdullah said
2102 to half a million student athletes across 1,200 institutions
2103 across three divisions.

2104 So there are inherent flaws in the model. I recognize
2105 that. But the reality is is it -- those flaws are -- have
2106 created this opportunity for endless, countless student-
2107 athletes.

2108 *Ms. Clarke. Very well.

2109 What are your thoughts on Justice Kavanaugh's
2110 observations, Mr. Stahl? Dr. Stahl.

2111 *Mr. Stahl. I obviously largely agree with him. I want
2112 to -- do want to respond to something that Mr. Chun said, and
2113 it has been repeated, you know, throughout this panel. The

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2114 supremacy of the sort of academic mission of the student-
2115 athlete, of higher education, and so on and so forth, I mean,
2116 I just think we all need to acknowledge that that has been
2117 severely degraded.

2118 As you get new billions of dollars into the system, what
2119 becomes of paramount importance is making more of that money,
2120 exercising the power that that money gives you. And so
2121 athletes then, you know, just very base level, like getting
2122 to choose the major they want to, right, this is more and
2123 more rare, particularly for sports like football. Many, many
2124 stories I have heard of, I agree, it should be -- it should
2125 continue to be at the center of the vision for college
2126 athletics.

2127 But because of these enormous financial pressures on the
2128 system, it is not. And we really do need to address that and
2129 remedy the ways in which I think many college athletes quite
2130 simply just don't get to pick the academic major they want.

2131 *Ms. Clarke. Thank you so much, Dr. Stahl.

2132 I yield back.

2133 *Mr. Bilirakis. The gentlelady yields back.

2134 I now will recognize Dr. Dunn from the State of

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2135 Florida --

2136 *Mr. Dunn. Thanks very much --

2137 *Mr. Bilirakis. -- for your five minutes.

2138 *Mr. Dunn. -- Mr. Chairman. After listening to this
2139 excellent panel today, it is abundantly clear that the
2140 patchwork regulatory system for the NIL licenses is simply
2141 not working. State NIL regulations I believe began as a
2142 well-intentioned attempt to promote fair treatment of
2143 student-athletes, but unfortunately this turns quickly into a
2144 system where the states are forced to kind of game their
2145 programs' recruiting advantages and disadvantages.

2146 And I think Congress does need to act to promote a fair
2147 nationwide NIL landscape that is transparent and benefits the
2148 athletes without favoring one school or state over another.

2149 I am most concerned with the rise of the collectives
2150 that may be abused by boosters to work around the rules.
2151 This can create undesirable incentives, which brings college
2152 athletics closer to a pay-to-play sort of scheme. I firmly
2153 believe we should be imposing guardrails to ensure the
2154 entities operate in full compliance of the NCAA standards and
2155 the law.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2156 Mr. Chun, your testimony mentioned numerous benefits
2157 that the Washington State athletics department provides for
2158 student-athletes. Can you speak to some of the effects --
2159 positive or negative -- that your programs may see with
2160 boosters donating to collectives rather than to the athletic
2161 departments?

2162 *Mr. Chun. Can I get the question repeated? It is --
2163 so positives and negatives of donating to collectives? Did I
2164 understand that?

2165 *Mr. Dunn. So, yeah, what are the effects -- positive
2166 or negative -- from the money -- the boosters' money going to
2167 those collectives rather than the AD? And to the athletic
2168 department?

2169 *Mr. Chun. Well, the positives, assuming that there is
2170 real work going on around the country, the -- we want to do
2171 more for our student-athletes. Real NIL work we are
2172 100 percent supportive of. It is what is going on with the
2173 inducements and the tampering that is the challenge, and that
2174 is where we need the help with federal legislation, with
2175 transparency, with something that proves that there is real
2176 work, something that provides clarity for Title IX.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2177 Across many campuses, you can read it -- you can read it
2178 almost daily in sports articles of coaches, administrators,
2179 assistant coaches involved with supporting and advocating for
2180 collectives. Are they representatives of the institution?
2181 Does that trigger Title IX? And also, we probably need
2182 something that takes into consideration international
2183 student-athletes.

2184 *Mr. Dunn. I was also concerned about the revenue being
2185 diverted, and then, therefore, may not be available to
2186 distribute to the other sports.

2187 *Mr. Chun. Well, yeah, the collectives are a little bit
2188 different because those are going right to the student-
2189 athletes. It is -- as long as there is equity, and as long
2190 as there is real work, there is no issues. It is with the
2191 inducements and with the tampering, that is where all the
2192 challenges are coming and --

2193 *Mr. Dunn. Well, thank you, Mr. Chun.

2194 I want to turn to Kaley, Kaley Mudge, and say it is
2195 great to have you here, a softball player at FSU. FSU is in
2196 my district, and of course has received multiple honors over
2197 the years. They are very proud of you, Kaley.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2198 I wonder -- it is my understanding that you came into
2199 FSU before the NIL laws took effect, and since then things
2200 have changed. Can you tell how your -- tell us how your
2201 college experience has changed since NIL laws came out?

2202 *Ms. Mudge. Yes. I -- even with NIL coming into play, I
2203 was never one to play for the money. Being recruited, money
2204 wasn't an issue for me. I didn't care how much of a
2205 scholarship I got. I just wanted the opportunity to play
2206 college softball. And getting to have the experience for the
2207 past four years has been amazing, and it has been the best
2208 four years of my life for sure.

2209 But now, specifically with the collectives, I personally
2210 have had a very good experience with the FSU collective, but
2211 I do recognize and understand that there are collectives out
2212 there that are, you know, creating the recruiting
2213 inducements. And I think as a 15-year-old, 16-year-old, it
2214 is really hard to turn down that amount of money without the
2215 knowledge that they are given.

2216 So I am grateful that I didn't have that decision when I
2217 was back then, but even now with NIL it has never been about
2218 the money for me. It has just been about the experience.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2219 *Mr. Dunn. So I think that is true. I have talked to a
2220 number of student-athletes, and I hear that story again and
2221 again, they don't want to be employees, and they really do
2222 love the game, and I thank you very much for that. Now let
2223 me just say, Go 'Noles, you know, so that is -- I have got to
2224 get my dig in at Georgia there, right?

2225 So, on March 1st, the NCAA named Charlie Baker as its
2226 president, and that spawned a renewed interest, obviously, in
2227 effective policymaking for the student-athletes.

2228 And, Ms. Heppel, I wonder if you find in the Patriot
2229 League student-athletes graduate with meaningful degrees and
2230 are expected to engage fully in the academic pursuits, and
2231 that they are afforded time and opportunity to do that. Do
2232 you think that happens pretty uniformly?

2233 *Ms. Heppel. I do think it is the majority of the
2234 experience of student-athletes. I believe that there are
2235 student-athletes that want to commit 12 months a year to
2236 their sport to further their professional opportunities, and
2237 they should have that opportunity as well, but that the
2238 majority of student-athletes understand that life after
2239 college is going to be professional and career-oriented.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2240 *Mr. Dunn. Thank you. Thank you very much.

2241 I yield back, Mr. Chairman.

2242 *Mr. Bilirakis. Thank you. Thank you very much.

2243 And now I will recognize the gentlelady, Mrs. Trahan.

2244 Appreciate all the good information you have given us thus

2245 far. Thank you.

2246 *Mrs. Trahan. Thank you, Mr. Chairman. I am not from

2247 Florida, but I have a world of respect for everything you all

2248 do.

2249 Mr. Chun, I am going to start with you, and I am

2250 launching right into questions because my opening remarks

2251 were already given. But as athletic director at Washington

2252 State University, you are responsible for reporting the

2253 number of men and women athletes for Title IX compliance,

2254 correct?

2255 *Mr. Chun. Yes.

2256 *Mrs. Trahan. And the -- you must be aware that last

2257 year an investigative report from USA Today found that your

2258 university overcounted your women's rowing roster by

2259 21 athletes and counted eight male practice players as

2260 women's roster spots to show compliance with Title IX on

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2261 paper.

2262 *Mr. Chun. Yes.

2263 *Mrs. Trahan. And it sounds like, just from your direct
2264 and truthful answers, that you understand that by
2265 overcounting or misrepresenting the number of women athletes
2266 at your university that you are essentially depriving in this
2267 case 29 women of the chance to continue their athletic
2268 career.

2269 *Mr. Chun. Yes. Assuming those numbers are correct,
2270 yes.

2271 *Mrs. Trahan. So I bring this up because many of my
2272 colleagues on the committee may not be aware that the
2273 Department of Education allows colleges to exploit loopholes,
2274 like overcounting women athletes, double or triple counting
2275 them, or even counting male athletes as women to comply with
2276 Title IX on paper.

2277 Of course, just because the education department allows
2278 it, it doesn't mean it is right to make college athletics
2279 less available to women athletes. And I bring this up not to
2280 put you on the spot, Mr. Chun, but we can't talk about NIL
2281 rights, particularly for women athletes, without talking

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2282 about how some schools exploit loopholes that deprive women
2283 of the opportunity to play in college in the first place.

2284 It is for this reason that I introduced the Fair Play
2285 for Women Act with Congresswoman Adams and Senator Murphy to
2286 close these loopholes. And I would encourage my colleagues
2287 on the committee to join me in supporting legislation that
2288 not only strengthens NIL rights but closes these loopholes as
2289 well.

2290 I will switch gears, because I would like to talk about
2291 one of the biggest issues facing college athletics in the
2292 post-amateurism landscape, and that is collectives. As some
2293 of my colleagues have rightly pointed out today, the
2294 emergence and embrace of NIL collectives has created a number
2295 of questions over the past year and a half.

2296 Mr. Chun, are you familiar with the Cougar Collective,
2297 the NIL collective associated with WASU?

2298 *Mr. Chun. Yes.

2299 *Mrs. Trahan. And do you or athletic department staff,
2300 including coaches, communicate directly with members of the
2301 Cougar Collective? And, if so, do they discuss potential
2302 recruits that a team may be hoping to land a commitment from?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2303 *Mr. Chun. Not with me directly, and not to my
2304 knowledge with any of our coaches. Our interaction with them
2305 has been education. They have done compliance education with
2306 us. Really, we meet -- our compliance staff probably meets
2307 with them at least -- I think they have a standing meeting
2308 once a month, just to ensure compliance with the rules.

2309 We are fortunate our collective is filled with alums
2310 that care about the institute that are --

2311 *Mrs. Trahan. Sure.

2312 *Mr. Chun. -- really focused on following whatever
2313 rules exist. And we do not have an NIL law in the State of
2314 Washington.

2315 *Mrs. Trahan. So I have -- I think one of the things
2316 that we need to talk about when we are talking about these
2317 collectives are whether or not, you know, there are
2318 conversations about specific athletes in tandem with
2319 universities.

2320 Mr. Chun, is it your understanding or your belief that
2321 the Cougar Collective prioritizes women athletes at the -- as
2322 equally as they do male athletes?

2323 *Mr. Chun. I know they have had conversations. We do

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2324 not have access to what exact deals are happening, but I know
2325 they have communicated to us that they are working to try to
2326 find opportunities for our women. They understand, you know,
2327 at our institution specifically, I mean, our women sports are
2328 performing at pretty spectacular levels.

2329 So they recognize the challenges that our women coaches
2330 have as well, but we do not -- there is no -- we don't have
2331 any clarity exactly on what the deals are.

2332 *Mrs. Trahan. Mr. Stahl -- Dr. Stahl, I am sorry, I am
2333 curious to hear your thoughts on this as well. Are you aware
2334 of active collusion between athletic departments and
2335 collectives? And would you say that, generally speaking,
2336 collectives tend to approach NIL arrangements with the goal
2337 of equally supporting men and women athletes?

2338 *Mr. Stahl. I mean, it depends on what you mean by
2339 "collusion." I think one of the reasons I found the
2340 discussion somewhat odd today about collectives is what I
2341 know from around the country is athletic department heads,
2342 like Mr. Chun, are encouraging donors to donate money to
2343 collectives. It is a huge thing. It happens everywhere.

2344 And so, you know, to the extent that we would need some

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2345 sort of NIL federal law, like what exactly would they want
2346 said about collectives? Just the messaging is very unclear.
2347 So, in terms of collusion, I mean, that --
2348 *Mrs. Trahan. Coordination.
2349 *Mr. Stahl. Well, athletic director -- I will put it
2350 very simply. Athletic directors around the country are
2351 absolutely encouraging donors to donate money to collectives.
2352 This happens everywhere.
2353 *Mrs. Trahan. In addition to that, it would also be
2354 helpful as we consider where the boundaries of Title IX are
2355 if we are also having conversations about specific recruits
2356 and how those collectives are set up to recruits to -- to
2357 recruit athletes, excuse me.
2358 Thank you. I know I am over my time, Mr. Chair. I
2359 yield back.
2360 *Mr. Bilirakis. Thank you. Thank you so much.
2361 Now I will recognize Mrs. Lesko from the great State of
2362 Arizona. You are recognized for five minutes.
2363 *Mrs. Lesko. Thank you all for being here. And I am
2364 from Arizona, so I am proud that the University of Arizona,
2365 Arizona State University, and Grand Canyon University all

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2366 made the NCAA men's basketball tournaments this year.

2367 I have a question for Mr. Chun. Mr. Chun, we have
2368 talked about this a bit, but over 30 states have passed laws
2369 relating to name, image, and likeness rights. Some of these
2370 laws have been in effect for over two years. While the need
2371 for a uniform policy is understood, can you cite specific
2372 examples where a state was significantly advantaged or
2373 disadvantaged as compared to another state, and the impacts
2374 they have had on a student-athlete monetizing their name,
2375 image, likeness?

2376 *Mr. Chun. Well, I can -- I can just cite our own
2377 state. Because we don't have a law, initially I thought that
2378 would be to our advantage and give us flexibility. But in
2379 all reality, we are governed by state ethics law, so it is
2380 really restrictive on comparatively what other states are
2381 doing.

2382 So, in the State of Washington, really they are limited
2383 to education, but we can't steer our student-athletes towards
2384 specific deals or work with collectives, as it has been
2385 legalized in some other states.

2386 *Mrs. Lesko. And, Ms. Mudge, speaking -- what are some

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2387 of the biggest concerns among student-athletes regarding NIL?

2388 And how can federal legislation mitigate them?

2389 *Ms. Mudge. I think for the federal legislation it
2390 would just be helpful to be on the same page. I know there
2391 is still a lot of information that we can learn about. NIL,
2392 I would say one of the biggest concerns I just education and
2393 knowledge of what NIL is, how can we use it to our advantage.

2394 I know for me, going into the NIL space, I was very
2395 nervous my first couple of deals, because the last thing I
2396 want to do is put my eligibility in question. And my
2397 compliance department, my athletic department, has been very
2398 helpful in teaching me and educating me, but I think across
2399 the board it would help to have more education federally with
2400 all of the schools in our Nation, just to teach us what NIL
2401 is, how to read contracts, how to see a good deal from a bad
2402 deal. I feel like there is a lot of people that could take
2403 advantage of how young we, as student-athletes and college
2404 student-athletes, are.

2405 So I think just being able to have legislation, so that
2406 we are on the same page and we do have a level playing field
2407 no matter what state that you are in, and just having the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2408 education to learn more.

2409 *Mrs. Lesko. Thank you very much.

2410 Mr. Chun, it is my understanding that NIL collective can
2411 offer student NIL deals before they commit or show up on
2412 campus. First of all, is that correct?

2413 *Mr. Chun. Not based on NCAA rules, but probably
2414 different by the -- part of the issue with the patchwork of
2415 state laws.

2416 *Mrs. Lesko. And so my question is, how do we ensure
2417 that NIL deals aren't being used to persuade students to pick
2418 certain schools?

2419 *Mr. Chun. That is why we need a federal standard.

2420 *Mrs. Lesko. Some people have proposed ideas like
2421 making student-athletes employees of the university. How
2422 could this hurt smaller sports in smaller universities? And
2423 will some universities choose to get rid of intercollegiate
2424 sports programs altogether?

2425 *Mr. Chun. I don't know how you differentiate one sport
2426 from the other relative to the employment. So if we are -- I
2427 don't -- like I stated earlier, the inputs are the same. The
2428 commitment, the sacrifice, all the things that go into being

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2429 a student-athlete are no different for a softball player or
2430 volleyball player, football player, basketball player. No
2431 difference between our men's and women's basketball programs.

2432 I don't know how you cite one as employees and the other
2433 one not. So it is just fundamentally flawed there, and I
2434 also don't -- the notion of underperformance leads to firing
2435 just is counter to college athletics. It is about academics.
2436 It is about earning that degree. It is the immeasurable
2437 impact college athletics has.

2438 *Mrs. Lesko. Mr. Stahl, you had mentioned along the way
2439 in some of your testimony about health coverage for student-
2440 athletes. And I just was wondering if you would expand upon
2441 what you are looking for. Is it lifetime health coverage?
2442 What are you asking the universities to pay for?

2443 *Mr. Stahl. I am asking them primarily to negotiate
2444 about what is appropriate, right? So we don't -- we are not
2445 coming into this and saying it has got to be X, Y, and Z. I
2446 certainly have ideas. Our members have ideas. I think, you
2447 know, back to the main point of my testimony, I think that
2448 the problems of the industry are enormously solvable by those
2449 within the industry, including the players through our

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2450 independent players associations.

2451 And so this is one of the things we would like to sit
2452 down and talk with Mr. Chun about or, you know, we could have
2453 it at an institutional level, a conference level, what have
2454 you. I think this is how you get to actual workable
2455 solutions. It is not through federal legislation written by
2456 people who are not involved in the industry.

2457 *Mrs. Lesko. Thank you, and I yield back.

2458 *Mr. Bilirakis. Thank you. I now will recognize the
2459 gentleman from Georgia, Mr. Allen, please, for five minutes.

2460 *Mr. Allen. Thank you, Mr. Chairman. I want to thank
2461 all of our witnesses for being here today. This is a very
2462 complex issue, and it -- you know, college sports is a very
2463 special and particularly American tradition.

2464 And, as an alumni, I know I enjoy college sports, and I
2465 enjoyed playing in high school. Played football and
2466 basketball and baseball, and -- but when I got to college, my
2467 abilities were better served to get in the workforce. And so
2468 I was able to get a job and put my way through college.

2469 However, my roommate was a walk-on, and he didn't enjoy
2470 the same opportunity. He was -- I mean, even back then, it

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2471 was full-time. I mean, he couldn't get -- he couldn't get a
2472 job. So, obviously, his situation was compromised. I mean,
2473 you know, because, I mean, where are you going to get the --
2474 you know, you want to enjoy the college experience, but then
2475 again, you know, and you don't want to be sitting there with
2476 a family worried about how you are going to feed them.

2477 So I agree something has to be done here, because, you
2478 know, college football, you play it because you love it, or
2479 basketball or baseball or women's softball. I mean, you have
2480 said the reason that I am doing this is because this is what
2481 I want to do.

2482 But, at the same time, you know, it is -- even in high
2483 school today -- I mean, I have got 14 grandchildren, and I go
2484 to their sporting events, and they are full-time. I mean, it
2485 is incredible what sports -- it has just taken over. And you
2486 get on a travel team, and you are all over the place. It is
2487 amazing. I don't know how these parents do it today.

2488 But so, you know, you have asked Congress to solve this
2489 problem, because you are going across state lines. Okay.
2490 And when you are going across state lines, you have got
2491 varying laws in states. I mean, what is going to keep an

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2492 athlete who travels over to -- from Georgia to Alabama to
2493 play football, and there is a different deal over here. So I
2494 agree there has got to be some -- there have got to be some
2495 guardrails here.

2496 Mr. Chun, how many athletes in your program since NIL
2497 was originated have entered the transfer portal to improve
2498 their NIL opportunity?

2499 *Mr. Chun. That is a very good question. That I could
2500 not give you an exact number because it would just be based
2501 on rumors.

2502 *Mr. Allen. Right.

2503 *Mr. Chun. But --

2504 *Mr. Allen. But it happens.

2505 *Mr. Chun. It happens. And it is the reality. I mean,
2506 we are seeing it all across men's basketball right now with
2507 entering the portal, and you can see the list -- go on social
2508 media and see the listing of schools that are so-and-so
2509 contacting X person, and -- but it is the reality of the
2510 world we are in right now.

2511 *Mr. Allen. Right. You mentioned that currently there
2512 is a team in the NCAA basketball that the coach is tampering.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2513 What do you mean by "tampering"?

2514 *Mr. Chun. So what I read -- and, well, what was --
2515 what was articulated in the story was during -- throughout
2516 their tournament, the run for Florida Atlantic, the coach
2517 articulated that third parties --

2518 *Mr. Allen. Right.

2519 *Mr. Chun. -- were reaching out to his current
2520 athletes, and they play this Saturday in their pursuit for a
2521 national championship, about going to their schools. That is
2522 tampering.

2523 *Mr. Allen. Really. Wow.

2524 *Mr. Chun. We have -- and it is probably at its lowest
2525 levels or worst levels --

2526 *Mr. Allen. Right.

2527 *Mr. Chun. -- but yeah.

2528 *Mr. Allen. And, as I understand it, on the NILs and
2529 where this money is coming from, it is coming from alumni
2530 primarily. Isn't it? Is that where the colleges are getting
2531 the --

2532 *Mr. Chun. The collectives.

2533 *Mr. Allen. The collectives --

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2534 *Mr. Chun. But --

2535 *Mr. Allen. Yeah.

2536 *Mr. Chun. -- there is companies involved. I mean, it
2537 is a blend of true NIL, and if it is a recruiting --

2538 *Mr. Allen. So, for example, if you had alumni
2539 participating, their business participating in this, they
2540 wouldn't be apt to want that money to go to -- you know, as
2541 far as parity is concerned. In other words, if they are
2542 doing it for college football, that is where they want that
2543 money to go. Would that -- could they -- can they decide or
2544 direct the money that they put in the NIL to go to one
2545 specific sport or one specific college?

2546 *Mr. Chun. Well, I think if it is true NIL, it is --
2547 you know, we are not -- I would not suggest limiting anything
2548 for student-athletes. That is true NIL, that is endorsement
2549 opportunities, that is -- that they are paying for actual
2550 real work. It is --

2551 *Mr. Allen. Right.

2552 *Mr. Chun. If it is inducement or recruiting tool,
2553 tampering, that is where the issues come into play.

2554 *Mr. Allen. And that, Dr. Abdullah, is what would be

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2555 affecting you is that, you know, these collectives would then
2556 -- in order for parity to exist, equity to exist, these
2557 collectives would then have to funnel so much money to
2558 athletes in our Division 1, 2, and HBCU schools as well.

2559 *Dr. Abdullah. Yes. It would make it difficult to have
2560 parity. But I think that 70 percent of my kids are Pell
2561 eligible, and so for me and for my kids it is about the -- it
2562 is about their ability to get funds so they can go to school
2563 and maybe have possibly the biggest payday that they can
2564 have. And so I firmly am behind them trying to do the best
2565 that --

2566 *Mr. Allen. Right.

2567 *Dr. Abdullah. -- we can.

2568 *Mr. Allen. And I agree. Thank you.

2569 I yield back, Mr. Chairman.

2570 *Mr. Bilirakis. Thank you. Excellent questions, by the
2571 way.

2572 All right. Mrs. Harshbarger, you are recognized for
2573 five minutes.

2574 *Mrs. Harshbarger. Okay. Thank you, Mr. Chairman.

2575 Thank you all for being here. I am going to tell you

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2576 some things that I have learned from talking to different
2577 schools, and you correct me if I am wrong, and then I will
2578 give you some questions. Okay? How about that?

2579 You know, I want to talk about portals. I want to talk
2580 about agents. And then I want to hit the collectives. I
2581 mean, I don't really want to hit them. I just want to see if
2582 what I have learned is true.

2583 The portals. There is no contracts. These athletes are
2584 free agents every year. Am I correct? You can play for a
2585 year, then go into the portal, see if you can get more money,
2586 and then I guess stay with the school that you were planning
2587 if you don't get more money? Is that correct? Yes or no.
2588 Or is it true? Ms. Heppel, maybe you know.

2589 *Ms. Heppel. I am looking down to the left for -- you
2590 know, the transfer portal is the means by which student-
2591 athletes are able to let other schools know that they are
2592 interested in transferring.

2593 *Mrs. Harshbarger. So if a student goes through that
2594 portal -- and this is what I have come to the
2595 understanding -- if they have a scholarship on the table, and
2596 they go through the portal, from what I am understanding, is

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2597 35 to 40 percent of these student-athletes will lose their
2598 scholarship if they are not picked up in the portal. Am I
2599 correct?

2600 *Ms. Heppel. That is a possible income --

2601 *Mrs. Harshbarger. Yeah.

2602 *Ms. Heppel. -- when they inform their current
2603 school --

2604 *Mrs. Harshbarger. Absolutely.

2605 *Ms. Heppel. -- that they are looking elsewhere. Yes.

2606 *Mrs. Harshbarger. All right. That is a bad thing.
2607 You know, and I am all for like a revenue-sharing model, and
2608 I think that is what it was intended to be.

2609 Let's go to these agents or so-called agents that are
2610 recruiting young women like you, and some of these young men.
2611 You know, I don't even know what the criteria is for these
2612 agents, and, you know, you get a three to four to five
2613 percent recruiting fee, but then I have heard that some of
2614 these agents will garner up to 80 percent of that student's
2615 income, which is pathetic. There is no regulation there.

2616 And I will put it to you this way. Based on what I have
2617 been over the last couple of years, it is clear that the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2618 courts, nor the states, can establish uniform rules.

2619 Therefore, you are sitting in front of Congress, probably not
2620 where you want to be.

2621 But something has to be done. What do you think about
2622 the revenue-sharing model for these schools per sport? And I
2623 understand on a first sports basis football, you wouldn't be
2624 able to do that. Am I correct?

2625 *Ms. Heppel. Not within the Patriot League.

2626 *Mrs. Harshbarger. Yeah.

2627 *Ms. Heppel. There is not revenue generated from any of
2628 the individual sport programs within the league.

2629 *Mrs. Harshbarger. And I have heard that these agents
2630 should be maybe in a marketing capacity where a certain
2631 percentage is what they get. But correct me if I am wrong,
2632 this, too, I understand that you have got these collectives
2633 that are -- you know, 60 percent of their NIL payments come
2634 from wealthy donors, and that is not sustainable. If you
2635 have one donor that gives 8 to 10 million, they are not going
2636 to do that every year.

2637 But now I understand that schools are allowed to help
2638 them fund raise. Is that correct? And that happened in

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2639 October of last year? Do you all know about that?

2640 *Ms. Heppel. As of this moment in time, I am not aware
2641 of any collectives within the Patriot League. So I would --

2642 *Mrs. Harshbarger. Okay.

2643 *Ms. Heppel. -- be hard-pressed to speak to --

2644 *Mrs. Harshbarger. Okay. Because -- I won't blame the
2645 schools, but I was told that now they are using athletic
2646 associate foundations to recruit, because sometimes these
2647 donors go out and recruit athletes that the school really
2648 didn't want to recruit, and they are stuck with them.

2649 So now, through these foundations, the schools can have
2650 some input on who they want them to go after. So that is
2651 something to be looking for.

2652 You know, there are just a lot of unknowns here. I know
2653 there is something else on here that I -- I just needed
2654 clarification about this, because if we need a
2655 standardized -- if we need to do standardized legislation,
2656 that is what we are here to do. But I have to have all of
2657 the facts and I have to have correct facts and not hearsay in
2658 order to do that.

2659 What do you think Congress should do? What about the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2660 revenue-sharing models with some of these companies and
2661 corporations? What is your opinion? We can just go down the
2662 line.

2663 *Ms. Heppel. You know, I think as I have read that
2664 revenue-sharing, to me anything that opens the door toward an
2665 employee status we need to be cautious, very cautious about.

2666 *Dr. Abdullah. I think we need to make sure that the
2667 athletes that are involved in these revenue-generating
2668 supports and generating a lot of revenue, that they have the
2669 opportunity to find out what their value is and to get funds
2670 for that value.

2671 *Mrs. Harshbarger. Absolutely.

2672 *Mr. Burton. I am against revenue-sharing from like --
2673 in the sense of employee or employment, because that is
2674 where, in my opinion amateurism becomes professionalism.

2675 *Mrs. Harshbarger. Yeah.

2676 *Ms. Mudge. As an Olympic sport athlete, I am also
2677 against revenue-sharing. Just I want future softball
2678 players, future college athletes, to have the same experience
2679 that I did, and it is scary to think that the funds that are
2680 used to fund softball could be taken away and that Olympic

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2681 sports wouldn't be a thing anymore. So, yeah.

2682 *Mr. Chun. I would agree. I don't -- I don't see if --
2683 how this -- how an employment model works across all the
2684 sports that are sponsored across the NCAA.

2685 *Mr. Stahl. We take the position in our platform
2686 percentage of the big money and media rights revenue
2687 contracts for the players, whose name, image, and likeness is
2688 used in that media, there is going to be billions of new
2689 dollars in the coming two years. And the players whose --
2690 who generate that wealth should be able to share in it.

2691 *Mr. Bilirakis. Okay. Thank you. Thank you very much.
2692 The gentlelady yields back.

2693 *Mrs. Harshbarger. I yield back.

2694 *Mr. Bilirakis. Now I will recognize the gentleman from
2695 California, Mr. Cardenas, for five minutes.

2696 *Mr. Cardenas. Thank you very much. Appreciate
2697 Chairman Bilirakis, and also Ranking Member Schakowsky, for
2698 holding this hearing. And thank you for allowing me to waive
2699 on to the committee, so that I can get involved in this
2700 discussion before the American people, who hopefully are
2701 watching.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2702 And this topic is very important, and I am glad that we
2703 are having this discussion, though my colleagues have pointed
2704 out the range of issues confronting student-athletes today
2705 goes well beyond NIL concerns. In 2021, the NCAA brought in
2706 \$1.15 billion in revenue. That is what a B. The product
2707 that they garnered this money from comes from young adults
2708 who put their bodies on the line to bring to viewers across
2709 the country and across the world what generates all of this
2710 money.

2711 And, therefore, it goes -- should it go anywhere else?
2712 Absolutely, I think that the people who are actually putting
2713 their bodies on the line, putting their -- in some cases
2714 putting their life on the line, should be able to benefit
2715 from all of this revenue and what actually creates the
2716 revenue.

2717 Mr. Chun, could -- would collegiate athletes be better
2718 protected if they were part of a union?

2719 *Mr. Chun. I know the student-athletes at Washington
2720 State, the benefits and services that they are provided,
2721 along with being a part of the Pac-12, provide a litany of
2722 academic support, strength and conditioning support, and --

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2723 *Mr. Cardenas. So are they better off now that they
2724 have that opportunity?

2725 *Mr. Chun. You would -- I would need a point of
2726 reference on what --

2727 *Mr. Cardenas. Okay.

2728 *Mr. Chun. -- "better off" means.

2729 *Mr. Cardenas. Thank you.

2730 *Mr. Chun. Yeah.

2731 *Mr. Cardenas. Mr. Stahl, do you agree that they are
2732 better off today than they were before they had that
2733 opportunity?

2734 *Mr. Stahl. Before they had what opportunity, sir?

2735 *Mr. Cardenas. The opportunity to have representation.

2736 *Mr. Stahl. Well, we are still in that middle space
2737 where that is what we are trying to provide. We are trying
2738 to provide representation. And for college athletes who do
2739 want to attempt to unionize, we want to be there to help
2740 facilitate that.

2741 And to answer your first basic question, yes,
2742 absolutely. Anyone who is, you know, going to be a member of
2743 a union is going to have far more work -- workplace

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2744 protections than someone who isn't.

2745 *Mr. Cardenas. So are there people on the campus who
2746 are actually members of unions who actually go to work there
2747 every day?

2748 *Mr. Stahl. Oh, absolutely. Yeah. I mean, the
2749 universities bargain with unions across -- every university
2750 in this country bargains with unions, yes.

2751 *Mr. Cardenas. And those employees who are on that
2752 university who go to work, whether they teach or whether they
2753 are janitors, or what have you, who are members of unions,
2754 are they better off now that they have representation than
2755 before they had representation?

2756 *Mr. Stahl. A hundred percent.

2757 *Mr. Cardenas. Well, I would venture to believe that
2758 students would benefit as well if they had representation in
2759 any environment on any campus, especially when they are the
2760 ones at the core of generating the revenue, not just the
2761 revenue that I just spoke of -- that was just the NCAA's
2762 revenue in one year -- much less the revenue that is actually
2763 generated in other aspects as well.

2764 One of the things that I would like to point out is that

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2765 the stated mission of these unions is to empower individuals
2766 to create a strong collective voice and to achieve and
2767 maintain excellent wages and benefits and working conditions.

2768 So, Mr. Stahl, would collegiate athletes be able to have
2769 better representation, be in better situations? And what is
2770 the biggest obstacle to collegiate athletes organizing today?

2771 *Mr. Stahl. Fear of retaliation. I mean, we saw this
2772 at Penn State this past summer. I think there is --

2773 *Mr. Cardenas. What did that retaliation look like?

2774 *Mr. Stahl. Well, I think there is just an issue of
2775 there is -- within college football -- again, I am only going
2776 to speak to our members. I am only going to speak for --

2777 *Mr. Cardenas. Sure.

2778 *Mr. Stahl. -- college football.

2779 *Mr. Cardenas. Sure. Please.

2780 *Mr. Stahl. Yeah. I think within college football you
2781 have ample opportunities for retaliation against players who
2782 would want to engage in organizing efforts, either towards
2783 the union or towards something else. Right? Some sort of
2784 voluntary chapter within a players association.

2785 There are so many men who are on these teams, right? If

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2786 you engage in this type of organizing effort, retaliation can
2787 take the form of something you are just not even going to
2788 notice, right? Loss of playing time, right?

2789 And so, yeah, I do think that is my biggest fear for
2790 sure.

2791 *Mr. Cardenas. Thank you. I have an article here
2792 written by Notre Dame University President John Jenkins who
2793 discusses some of the support that Notre Dame gives
2794 voluntarily on their own, their internal policy towards
2795 student-athletes. Notre Dame provides ten years of coverage
2796 for its athletes after an injury occurs and guarantees that
2797 student-athletes will keep their scholarship regardless of
2798 performance on the field or injury.

2799 I would like to submit this for the record,
2800 Mr. Chairman, if --

2801 *Mr. Bilirakis. Without objection, so ordered.

2802 [The information follows:]

2803

2804 *****COMMITTEE INSERT*****

2805

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2806 *Mr. Cardenas. Okay. Thank you so much.

2807 Obviously, Notre Dame is a large and well-funded
2808 institution. Dr. Abdullah, what sort of support would you
2809 need from the NCAA in order to provide similar protections
2810 for your athletes at your school or at a school the size of
2811 Virginia State?

2812 *Dr. Abdullah. The easy answer is we would need
2813 additional revenue to be able to provide all of those.

2814 *Mr. Cardenas. Okay. Does it sound like an
2815 organization that pulls in over \$1 billion a year might, if
2816 they choose to, be able to provide that kind of support, so
2817 you could meet them halfway maybe and make it happen?

2818 *Dr. Abdullah. I imagine that they would, sir.

2819 *Mr. Cardenas. Okay. Thank you so much.

2820 I yield back the balance of my time.

2821 *Mr. Bilirakis. Thank you. I thank the gentleman.

2822 I now recognize the lady that represents Gainesville,
2823 Florida, home of the University of Florida Fighting Gators.
2824 You are recognized for five minutes, ma'am.

2825 *Mrs. Cammack. Thank you, Mr. Chairman. And, as
2826 always, it is great to be a Florida Gator. Trey knows what

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2827 we are talking about. Sorry, FSU. I know you hate that, but
2828 this is a great day. Regardless, I think we are going to see
2829 some great bipartisan work done in the way of addressing this
2830 issue that I think should have been addressed a while ago. I
2831 think the cat is a little bit out of the bag.

2832 Back in 2021 when states started putting the patchwork
2833 framework together, it kind of made a bit of a mess for us on
2834 this side of it, but we are here now.

2835 So I am going to start with you, Ms. Mudge. Should NIL
2836 contracts be permitted when a student-athlete sport is in
2837 season? Or should there be a balanced approach in how NIL
2838 rules are applied when a student-athlete is in or out of
2839 season?

2840 *Ms. Mudge. Yeah. That is a great question.

2841 *Mrs. Cammack. Thank you. It is a Gator question.

2842 *Ms. Mudge. I would say that NIL contracts should be
2843 permitted in season. I think it is a very individualistic
2844 approach as I have teammates that don't want to benefit from
2845 NIL and don't want to pursue certain opportunities, and I
2846 have teammates that do. And I think that is the freedom of
2847 NIL is that we can choose.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2848 I personally don't feel too stressed during season to go
2849 forward with NIL contracts. And if I do, the companies that
2850 I have been able to talk with have been very, very lenient
2851 and very helpful in understanding my schedule. So I
2852 personally don't think that there should be certain times
2853 when NIL can and can't happen for athletes, just because of
2854 the freedom that we have the control to choose if we want to
2855 do a deal or not.

2856 *Mrs. Cammack. Thank you.

2857 Mr. Burton, same question to you.

2858 *Mr. Burton. No, not at all. I mean, what happens if I
2859 score, you know, five or six touchdowns in the game, you
2860 know, and the next day someone wants to give me an NIL deal.
2861 So I don't think -- by no means do I think there should be a
2862 limit on when or how or anything like that on NIL. Make as
2863 much -- the players should be able to make as much money as
2864 they possibly can from that standpoint.

2865 *Mrs. Cammack. Okay. Thank you.

2866 Mr. Abdullah, same question to you from the university
2867 perspective.

2868 *Dr. Abdullah. Excuse me, ma'am. Would you mind

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2869 repeating the question?

2870 *Mrs. Cammack. Should student-athletes be able to
2871 engage in NIL deals during their season or not?

2872 *Dr. Abdullah. I believe so. I believe that student-
2873 athletes shouldn't have any restrictions on their ability to
2874 generate NIL dollars.

2875 *Mrs. Cammack. Okay. Excellent.

2876 Mr. Chun, you described your extensive work with several
2877 of the NCAA committees, including the Transformation
2878 Committee. You briefly touch on the issues with a potential
2879 employer-employee situation regarding the student-athletes.
2880 And I wanted to know, did you guys touch on any of the
2881 revenue-sharing models, the impact that that would have, if
2882 it were applied to all sports? If so, did you simulate what
2883 specific actions, if any, athletic departments would take in
2884 order to comply with the type of model?

2885 *Mr. Chun. We did not.

2886 *Mrs. Cammack. Wow, that was the shortest answer ever.
2887 All right. Thanks.

2888 This one is for you, Ms. Heppel, and also to you,
2889 Mr. Chun. Should there be an office or a clearinghouse

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2890 specifically within either schools, conferences, or the NCAA
2891 to review and validate companies or individuals, not
2892 necessarily contract details, but those that seek to partner
2893 with student-athletes for an NIL deal?

2894 We will start with you, Ms. Heppel.

2895 *Ms. Heppel. I think that is a great question, and I
2896 think it is something I have thought a lot about. I think
2897 the importance of ensuring student-athletes understand what
2898 their fair market value is and ensuring that they are
2899 entering into legitimate deals are the two paramount issues.

2900 *Mrs. Cammack. Absolutely. Mr. Chun?

2901 *Mr. Chun. Nothing to add. I agree with that. The
2902 clarity that student-athletes would get from understanding
2903 the market -- and I think someone mentioned earlier just
2904 seeing what also is appropriate to have with your attorneys
2905 or agents that are representing you from a commission
2906 standpoint, those are critical factors for our student-
2907 athletes.

2908 *Mrs. Cammack. Excellent. Going back to you,
2909 Ms. Heppel, according to the NCAA, over 20,000 international
2910 students compete in collegiate athletics. These athletes are

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2911 precluded from engaging in NIL activities because of what
2912 that would mean for their visa status and employment status.

2913 What steps can Congress take to allow for these athletes
2914 to take advantage of the same types of opportunities that are
2915 available to their peers? And what would we expect the
2916 impact to be on the athletic programs within the
2917 universities?

2918 *Ms. Heppel. I -- you know, I am not an immigration
2919 lawyer, and I think that is where some of this has been hung
2920 up, from a pure -- as a commissioner of an athletics
2921 conference, with schools that recruit nationally and
2922 internationally, I don't differentiate, and we don't
2923 differentiate on our campuses. All student-athletes should
2924 ideally have access to NIL opportunities.

2925 *Mrs. Cammack. From the nodding of everyone's heads, I
2926 feel like everyone is in agreement on that. All right.
2927 Excellent.

2928 And since I have got -- well, I am seven seconds over.
2929 With that, I guess I -- Mr. Chairman, I yield back, and of
2930 course, Go Gators.

2931 *Mr. Bilirakis. Go Gators.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2932 All right. Next we have Mr. Fulcher from the great
2933 State of Idaho. Thank you. I recognize you for five
2934 minutes.

2935 *Mr. Fulcher. Thank you, Mr. Chairman. Just a little
2936 bit ago I told my good friend from Georgia I wish I knew a
2937 good congressman that would fix a lot of this stuff. But
2938 maybe we are short on those, too.

2939 I wanted to start with Ms. Mudge, and you said you are
2940 about to graduate as I recall. So look back at the day you
2941 enrolled, just in your mind, and tell me if there is anything
2942 that you wish you would have known then that you know now
2943 about NIL.

2944 *Ms. Mudge. That is a great question. I would say I
2945 wish I knew more back then. I wish that there would have
2946 been more federal legislation, just because I feel like the
2947 past two years, even though I have been able to capitalize on
2948 my NIL, it has been very confusing and very just hard to
2949 distinguish what deals I can do, what I can't do.

2950 I am very grateful for my athletic department and
2951 compliance department for seeing me through those tough
2952 times, but I wish that back then I would have been able to

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2953 have more clear-cut rules of what I could and couldn't do.
2954 And I remember when NIL came into play, like I had questions
2955 as to why someone in Oklahoma or North Carolina could do
2956 things that I couldn't as an NIL athlete. And just the
2957 confusion of having different state laws for NIL was really
2958 hard for me as a student-athlete as I am sure I can speak for
2959 most student-athletes as well.

2960 So I do wish that even though that -- I can't turn back
2961 time that we could pass federal legislation and federal
2962 guidelines soon, just to create just a level playing field
2963 and no more sense of confusion.

2964 *Mr. Fulcher. Thank you for that.

2965 Mr. Burton, you are in a different place in your life.
2966 You have gone through a professional career as well now. But
2967 same question. Reflect back before you enrolled in college,
2968 and can you address that as well, please, what you wish you
2969 would have known then that you do now?

2970 *Mr. Burton. Well, I would say 100 percent finances.
2971 My mom -- single mom didn't have much money, grew up with,
2972 you know, not much, was really thankful for support from
2973 family all across the country, and they provided, you know, a

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2974 lot for us.

2975 So finances -- like, for example, I remember when I got
2976 to Philadelphia I was an undrafted free agent. I signed a
2977 \$10,000 signing bonus, and they gave me 7,500 bucks. And I
2978 said, "You said 10,000, not 7,500. Where did the rest of the
2979 money go?" And then they explained taxes to me.

2980 So just, you know, financial literacy. I think now --
2981 now having money, it is way more important, and I pay way
2982 more attention than I did before when I didn't have money.

2983 *Mr. Fulcher. Thank you for that. And we know taxes
2984 here.

2985 Shifting gears a little bit, Mr. Abdullah, you
2986 referenced something, but not very deep. I would like to go
2987 just a little bit deeper. It has to do with agents. How do
2988 you protect your student-athletes from perhaps agents or
2989 agent access that may not have their best interests in mind?
2990 What are some of the things you do?

2991 *Dr. Abdullah. You know, what we do at Virginia State
2992 is provide critical education, have them actually meet with
2993 agents on campus and talk about what it means to have a
2994 positive relationship.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2995 But I think the real key to making sure across the board
2996 that student-athletes are protected is to provide a level of
2997 transparency and interactions -- and I think it is a question
2998 that Ms. Heppel answered just a minute ago -- that the more
2999 transparency that we have across the board where people
3000 understand the deals that are happening, I think the student-
3001 athletes and the young people can successfully negotiate and
3002 use the right representation to get that done.

3003 I think the more that we keep things in the dark, and
3004 keep them opaque, I think is ripe for exploitation of
3005 athletes.

3006 *Mr. Fulcher. Thank you for that.

3007 Mr. Chun, can you address that question? Agents, how do
3008 you deal with that? Maybe the ones who are not so interested
3009 in the well-being of your student-athletes.

3010 *Mr. Chun. I agree wholeheartedly with what was said.
3011 We need transparency in the marketplace. We ultimately --
3012 and we need to allow our student-athletes all the information
3013 necessary as they make decisions. We can educate as much as
3014 we want, and we are no different than probably all the
3015 schools represented here where we go to great lengths to make

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3016 sure our student-athletes understand all of the points that
3017 go into being in this NIL marketplace.

3018 But at the end of the day, they do need some
3019 transparency to understand what is -- what is out there in
3020 the marketplace.

3021 *Mr. Fulcher. Ms. Heppel, comment? Quickly.

3022 *Ms. Heppel. I completely agree with the prior
3023 comments.

3024 *Mr. Fulcher. All right. Mr. Chairman, I yield back.
3025 Thank you.

3026 *Mr. Bilirakis. Thank you very much. Appreciate it,
3027 and the gentleman yields back.

3028 I now recognize the gentleman from Georgia, probably the
3029 number one Georgia --

3030 *Mr. Carter. How did you know I was from Georgia?

3031 *Mr. Bilirakis. -- Bulldog --

3032 [Laughter.]

3033 *Mr. Bilirakis. Yeah. How did I know? Okay. Well, I
3034 have got to be fair. I have got to be fair.

3035 *Mr. Carter. Sorry.

3036 *Mr. Bilirakis. Anyway, national champion -- two-time

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3037 national championships, back to back, from the University of
3038 Georgia --

3039 *Mr. Carter. Take as much time as you want.

3040 *Mr. Bilirakis. -- Mr. Carter.

3041 *Mr. Carter. Mr. Chairman, take as much --

3042 *Mr. Bilirakis. All right.

3043 *Mr. Carter. -- time as you want.

3044 *Mr. Bilirakis. Thank you. That hurt, but I -- it
3045 pained me to say it, but --

3046 *Mr. Carter. Well --

3047 *Mr. Bilirakis. -- I had to say it.

3048 *Mrs. Cammack. I am going to sit here the whole time.

3049 [Laughter.]

3050 *Mr. Carter. Thank you all for being here. We are
3051 obviously very concerned. And thank you, Mr. Chairman, for
3052 this hearing and for your interest in what I consider to be
3053 very, very important -- look, obviously, I love the
3054 University of Georgia. I graduated from there in 1980. We
3055 won the national championship that year. We have won back to
3056 back. It -- you know, I am one of those, just like you, we
3057 all love college athletics.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3058 That is why we are so concerned about this, because we
3059 don't want to see it ruined. We get it. We understand that
3060 -- it was even discussed back when I was in school way back
3061 then about athletes being compensated. And I get it, and I
3062 understand that, but we want it to be done in the right way.

3063 And certainly I know during this hearing we have had
3064 some great questions, and they brought up the California's
3065 College Athlete Protection Act, and I know that that
3066 potentially -- and, full disclosure, I have had the
3067 opportunity to discuss, you know, the situation with some of
3068 the -- some of my friends at the University of Georgia in
3069 administration.

3070 And that is one thing that they are really concerned
3071 about is, if something like this were to go to into -- into
3072 effect, the impact that it would have on some of the other
3073 sports. They offer -- we offer 21 sports at the University
3074 of Georgia, and we -- and they are all very important to our
3075 school, and we want to make sure that they continue on.

3076 Dr. Abdullah, can you tell me if your state -- if
3077 Virginia, where I have grandbabies, by the way, if Virginia
3078 followed the California bill, what do you think the impact

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3079 would be on those other athletic programs? And, listen, they
3080 live in Charlottesville, and they go to UVA athletics all the
3081 time and enjoy it.

3082 *Dr. Abdullah. If I am being honest, sir, I don't -- I
3083 don't entirely know, because those -- the impact of that
3084 level of revenue-sharing is predominantly known by the Power
3085 Five schools, the larger schools. At Virginia State
3086 University, we are -- we are all student fee driven, and
3087 athletics is an extracurricular activity. And if your
3088 grandbabies would love to come to Virginia State, we would
3089 gladly recruit them to VSU.

3090 *Mr. Carter. Thank you.

3091 Ms. Mudge, what about you? Do you have any comment on
3092 that?

3093 *Ms. Mudge. Yeah. I think I am just very grateful for
3094 the experience that I have had the past four years. And I am
3095 not an expert on everything that is happening outside of, you
3096 know, my little square of Tallahassee, but hearing about
3097 possible revenue-sharing models that could take funds and
3098 divert funds away from Olympic sports over to football, men's
3099 basketball, to male sports, would be severely detrimental to

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3100 Olympic sports.

3101 And I just couldn't imagine what my life would be
3102 without Florida State softball the past four years and the
3103 relationships I have made, and the access to education that I
3104 have been able to build, and just everything that I have been
3105 able to do the past four years. So --

3106 *Mr. Carter. That is why this is so very important to
3107 us. Thank you for that testimony. That is spot on. I mean,
3108 it --

3109 *Ms. Mudge. Thank you.

3110 *Mr. Carter. -- changed your life, right?

3111 *Ms. Mudge. Yes. It changed my life. I wouldn't be
3112 who I am today without Florida State.

3113 *Mr. Carter. Absolutely. Thank you for that.

3114 Mr. Burton, I am sorry you had to play at the University
3115 of Florida, but -- and --

3116 *Mr. Bilirakis. I object to that.

3117 [Laughter.]

3118 *Mr. Carter. Seriously, I want to follow up on what my
3119 good friend from North Dakota discussed about the transfer
3120 portal and -- because that is -- you know, that is a concern,

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3121 too. I mean, wow. It is -- so much has changed, and, you
3122 know, change is okay, but we have just got to make sure we
3123 are not -- we are not hurting it.

3124 And that is one thing -- I am very concerned about
3125 reports, about the way the transfer rule changes coincided
3126 with the release of the NCAA kneel policy. I mean, what --
3127 how do you feel about that?

3128 *Mr. Burton. Oh, I am not familiar with the policy.
3129 What is the policy? Like what --

3130 *Mr. Carter. Well, it led to an environment where, you
3131 know, I mean, are they -- are they trying -- is it pay-for-
3132 play? I mean, that is what I keep hearing.

3133 *Mr. Burton. Yeah.

3134 *Mr. Carter. I don't know. I am just asking.

3135 *Mr. Burton. Well, I mean, I think the transfer portal
3136 and NIL are completely separate conversations. But somehow
3137 they are getting blended now, just because there is -- they
3138 are both possible. Back then, obviously they weren't
3139 possible.

3140 You know, I am -- I am of the understanding that money
3141 is being thrown at recruits, high school and transfer portal

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3142 in a way, and that is why I think we need to have legislation
3143 and laws on what is available to be used for transfer portal
3144 and what is not, and just clear boundaries I think is kind of
3145 what everybody is asking for right now.

3146 *Mr. Carter. Good. Good. Well, again, obviously, I
3147 love a lot -- I love college athletics. Let me tell you, I
3148 was at the University of Georgia. I got to see John McEnroe
3149 play John Sadri in tennis. What a -- I still remember it.
3150 Sadri had 13 aces, and McEnroe still beat him two and two,
3151 beat him like a drum.

3152 And I don't want to see that ruined. I don't want to
3153 see it go away. It means so much to so many of us. Thank
3154 you all, and thank you again for --

3155 *Mr. Bilirakis. Buddy, I will give you some more time
3156 if you want it. We are waiting for Pfluger.

3157 *Mr. Carter. Yeah. I will take more time --

3158 *Mr. Bilirakis. All right. Go ahead.

3159 *Mr. Carter. -- what else --

3160 *Mr. Bilirakis. Go ahead.

3161 *Mr. Carter. -- I witnessed in college.

3162 *Mr. Bilirakis. Don't say anything against the Gators

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3163 anymore.

3164 *Mr. Carter. No, I am not. I am not.

3165 Let me see what I have got. He is here now, so I
3166 will -- I will yield back.

3167 *Mr. Bilirakis. The gentleman yields back.

3168 *Mr. Carter. But one -- one last thing.

3169 *Mr. Bilirakis. Okay. Go ahead.

3170 *Mr. Carter. One last thing. Go Dawgs.

3171 *Mr. Bilirakis. All right. Very good.

3172 All right. Now I will recognize the gentleman from
3173 Texas, Mr. Pfluger, for five minutes.

3174 *Mr. Pfluger. Thank you, Mr. Chairman. I appreciate
3175 it. I know some of us have popped in and out a little bit,
3176 but we appreciate all of you being here.

3177 And I think talking about some of these important
3178 issues, I was a student-athlete at the Air Force Academy, and
3179 obviously it brings a little bit different, you know,
3180 considerations to it.

3181 But I will start with Ms. Heppel. As commissioner of
3182 the Patriot League, you know, talk to me about what the
3183 service academy community is looking at when it comes to the

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3184 guardrails that may be in place, and how it differs from
3185 maybe other institutions.

3186 *Ms. Heppel. Thank you. You know, in the conversations
3187 with the folks at Army and Navy, I think, you know, there is
3188 an understanding as -- that the federal employee regulations
3189 are very different. I think they would appreciate the
3190 opportunities for their student-athletes that are similar to
3191 the opportunities that exist outside the service academies.

3192 On the other hand, young people that choose to attend
3193 one of the service academies are looking for a very different
3194 type of collegiate experience and have different goals, as
3195 you know. So it is -- it is a unique perspective, very
3196 appreciative of what they bring to the table in the Patriot
3197 League and their perspective.

3198 *Mr. Pfluger. Well, thank you for that, and I think
3199 that is right. You know, Mr. Chun, I will go to you. In
3200 part of your testimony, it was interesting -- and I am
3201 interested to hear your thoughts on the revenue-sharing, and,
3202 you know, using California's model, that would do to
3203 Ms. Mudge and what that would do to Olympic sports if we had
3204 the revenue-sharing.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3205 And I think traditionally -- correct me if I am wrong --
3206 but most of the revenue is going to come from football and
3207 men's and women's basketball, and that is kind of top three.
3208 So what does it do to the Olympic sports and women's sports
3209 in particular?

3210 *Mr. Chun. Well, I will answer that from two different
3211 angles. One, it would be what I had spoke about before. It
3212 is the -- it is the flaw in our model that two sports do
3213 drive on most campuses -- some one -- the revenue to run an
3214 athletic program, and are also governed by equity in
3215 Title IX.

3216 So it is -- so it provides opportunities for broad-based
3217 programming. Also, as a member of the Pac-12, obviously, we
3218 are paying attention to what is going on in California, but
3219 it is another example of another patchwork state law that is
3220 going to impact how we -- how we manage college athletics not
3221 only on the west coast and our conference but it will impact
3222 other institutions in the NCAA.

3223 *Mr. Pfluger. Ms. Mudge, your thoughts on that.

3224 *Ms. Mudge. Yeah. Just like I stated earlier, I am
3225 grateful. Florida State has been the best four years of my

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3226 life. And just with the revenue-sharing model in California,
3227 it is very scary to think that athletes like me, future
3228 college athletes like me, won't get the experience if that
3229 model is -- if that model comes into play.

3230 And I know that the funds come mainly from football and
3231 men's basketball, but I wouldn't trade my experience for
3232 anything. And I am grateful for the four years that I have
3233 gotten, and just all of the relationships I have made,
3234 everything that I have learned academically, athletically, as
3235 a person, everything that I have been able to learn in my
3236 four years, I wouldn't have learned if I didn't come in as a
3237 college athlete. And so that opportunity has been one of the
3238 best opportunities of my life.

3239 *Mr. Pfluger. Thank you.

3240 Mr. Burton?

3241 *Mr. Burton. Yeah. I share the same thoughts from the
3242 employment standpoint, though I do think Dr. Stahl does bring
3243 up an interesting point in the sense of, you know, college
3244 basketball, March Madness, players playing, like I think
3245 there might be a way to make that work from the revenue-
3246 sharing standpoint, but I don't think it is an employment

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3247 deal.

3248 You know, I think it may be like there is some talk -- I
3249 think it was like Division 2 or Division 3 tournament where
3250 they gave money to collectives to pay players for NILs. So,
3251 I mean, maybe that might work. I don't know the answer to
3252 that, but I am 100 percent against employment to
3253 universities, yeah.

3254 *Mr. Pfluger. What -- and anybody can answer this.
3255 What is the most -- I use the term closest alligator to the
3256 canoe? I mean, what is the biggest threat we face right now,
3257 if we don't do something at the federal level? And I will
3258 kind of look at Mr. Chun and Ms. Heppel. I mean, what -- if
3259 we don't do something now, what is the biggest threat and
3260 what will happen?

3261 *Mr. Chun. I go to what Mr. Burton said. It is about
3262 the employment model.

3263 *Mr. Pfluger. Okay.

3264 *Mr. Chun. And the impact that will have specifically
3265 on five leagues or a subset of schools in those five leagues
3266 that ultimately, if you look at where the revenue is
3267 generated from, ultimately from the entire enterprise of

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3268 500,000 student-athletes, 1,200 institutions.

3269 So what -- I guess what alarms me is if that path -- if
3270 the road took us down that path, I don't know how Division 2,
3271 Division 3, and most of Division 1 exists anymore.

3272 *Mr. Pfluger. Yeah.

3273 *Ms. Heppel. I echo that. I -- you know, overseeing a
3274 league where athletics does not generate revenue,
3275 revenue-sharing is probably not viable, but it does -- the
3276 concern is around opening the door toward the consideration
3277 of student-athletes as employees. That would be detrimental.

3278 *Mr. Pfluger. Thank you. I know my time is expiring.
3279 Do you think NIL is a good thing for the Congressional
3280 baseball game?

3281 [Laughter.]

3282 *Mr. Pfluger. Okay. Good. I like that. I am going to
3283 have to consider that. We do play one game a year.

3284 Mr. Chairman, I yield back.

3285 *Mr. Bilirakis. All right. On that note, I will tell
3286 you that this was an excellent hearing. The testimony was
3287 outstanding, and the questions and the answers, it was so
3288 productive, and we appreciate all of you. I really

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3289 appreciate it very much.

3290 Now, I want to give our ranking member an opportunity to
3291 make a statement or her observations, what have you, with
3292 regard to the hearing. We would appreciate hearing from you.

3293 *Ms. Schakowsky. Well, once again, I do agree with my
3294 chairman that this has been a really excellent hearing, and I
3295 really appreciate all of the witnesses.

3296 I think a lot of questions still remain on how are we
3297 going to best serve our student-athletes, and I look forward
3298 to this being just really the beginning of that conversation
3299 that will end in some ways that we do better.

3300 So I yield back. Thank you.

3301 *Mr. Bilirakis. Thank you. And, again, we do have a
3302 lot of questions, and we will submit them for the record.
3303 But I think we made a great deal of progress today.

3304 Thank you very much. I remind members that they have
3305 ten business days to submit questions for the record. And I
3306 ask the witnesses to respond to these questions promptly.

3307 I ask unanimous consent to insert in the record the
3308 documents included on the staff hearing documents list.

3309 So, without objection, this committee -- again, without

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3310 objection, that will be the order, and we are adjourned.

3311 Thank you very much for all you have done, and I thank
3312 the audience as well.

3313 [Whereupon, at 1:16 p.m., the Subcommittee was
3314 adjourned.]