

House Energy and Commerce Committee
Subcommittee on Innovation, Data, and Commerce

College Athletes' Rights to Their Name, Image, and Likeness

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Written Testimony

March 29, 2023

Chairman Bilirakis, Ranking Member Schakowsky, Chairwoman Rodgers and Members of the Committee.

I am Makola M. Abdullah. I serve as the President of Virginia State University, a Historically Black College and University or HBCU located in Chesterfield County, just outside of Petersburg, Virginia. I further serve as a member of the Presidential Board of Advisors on HBCUs chaired by Dr. Tony Allen of Delaware State University. And I am also the past chair of the Central Intercollegiate Athletic Association or CIAA, the first Historically Black College and University athletic conference in the country. Our current chair is Dr. Aminta Beaux from Bowie State University, and our commissioner is Ms. Jacqui McWilliams. Our Division II athletic programs at Virginia State University are led by Ms. Peggy Davis, the best Athletic Director in the country. We offer 21 collegiate sports, including our recently added men's and women's soccer and lacrosse teams.

Again, thank you for the opportunity to participate in this hearing to discuss College Athletes' Rights to Their Name, Image, and Likeness.

While I was afforded an abundance of opportunities during my collegiate career, my athletic talents did not afford me the opportunity to participate on an NCAA university sports team while

at Howard University. I have, however, been an avid fan and supporter of all collegiate athletics and college athletes, particularly the young men and women who suit up in the Trojan orange and blue. As President, my goal is to be a part of an institution that changes lives through education and prepares our students to enter the world as savvy global citizens, lifelong learners and generational change agents.

Why is the NIL necessary?

At Virginia State University, our athletics program is supported by student fees. While college sports has become a multi-billion-dollar business, there are many institutions, like ours, where athletics is still very much an amateur extra-curricular program.

It is important to remember that there are three divisions of athletics. And they are not all created equally. For some universities, like Virginia State University, athletics is not revenue-generating. Though we are not one of the major Division 1 institutions, I fully believe that it is up to everyone who participates in our system of college athletics, to fight for the ability of the young men and women who compete on teams at universities that generate revenue, to reap some of the benefits of their labor.

VSU and other HBCUs and Division Two and Three institutions have been competing against the major universities for students, student-athletes, faculty, staff, administrators, federal grants, and private philanthropic dollars for many years. We have been successfully recruiting student-athletes who understand the transformative nature of an HBCU, believe in our mission, and understand the longstanding tradition of excellence at our university.

We believe we are in a great position to partner with student-athletes who have already developed a brand and are interested in growing that brand by partnering with our institution. In that way, I believe that NIL, when fully realized, will be of great benefit to HBCUs and other smaller institutions.

We are educating our student-athletes regarding NIL.

I am sure you are aware that according to the NCAA, student-athletes are not required to disclose the amount of their NIL deals. However, at VSU, we are aware of five student-athletes who have disclosed a current NIL deal. That is out of a total of 316 student-athletes. If I were to estimate the total value of those NIL deals, I believe it would be less than \$10,000. The NIL experience is unique to individual institutions because the revenue generated differs among those institutions.

It is paramount that we provide our athletes with the proper tools to manage the responsibilities that come with these NIL deals. Therefore, at VSU, we provide financial literacy and marketing for our student-athletes. We continue to teach and educate young men and women to maximize their ability to make money from their talents and brands.

At VSU, a professional agent engages with and shares wisdom with our student-athletes. We want our student-athletes and all students to build their brands, build meaningful career skills, create current and future opportunities, and, as a byproduct, represent themselves and the institution at the highest level of professionalism.

All Funding Matters for our Student-Athletes

As the leader of a proud HBCU, we have been concerned about our institutions' systematic underfunding since our founding. At the state level, our previous governor Ralph Northam, our current Governor, Glenn Youngkin, and our State legislature have tried to address the issue. I do know that on the federal level, Congresswoman Alma Adams, Congressman French Hill, and Senators Chris Coons and Tim Scott of the Bipartisan HBCU Caucus and our Virginia Delegation led by Congressman Bobby Scott and Congresswoman Jennifer McClellan with Senators Tim Kaine and Mark Warner are stalwart advocates for addressing these issues. While that is not the issue on the table today, it must be considered in the context of this conversation because students and student-athletes look at all a University has to offer when considering where to attend college. Your sports facilities, your stadiums, your classrooms, your libraries, your infrastructure, your alumni and boosters, etc. But I will not belabor that point, as that is literally a hearing for another day.

Student-Athletes Need Transparency, Partnership, Education, and Consistency

In the case of our conference, the CIAA, we serve 13 Division II institutions, including seven private and six public institutions with more than 3,000 student-athletes that are 90% African American, most of which tend to be first-generation college students.

CIAA schools span five (5) states with different laws to support NIL, including Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina. Although individual states have opened doors for these athletes to explore the market, the laws need to be consistent with uniform guidelines to regulate, enforce and support the interest of the student-athletes.

NIL regulations differ widely from state-to-state, and universities must be more consistent in their education and support. This lack of consistency and transparency makes it more difficult for athletes to assess, negotiate, or bargain for their true value. A system that keeps athletes in the dark will, by definition, be exploitative. We need to empower student-athletes by providing transparency. Creating a level playing field and protecting student-athletes from exploitative tactics is necessary. Standardized terms and tiered deal structures would generate predictability and stability in the market while allowing student-athletes to create multiple income streams.

Putting essential safeguards in place will protect athletes' brands and economic futures. Parameters surrounding the endorsement of adult products and entertainment, such as alcohol, tobacco products, gambling, etc., might also be considered from a public policy perspective to encourage responsible and age-appropriate usage of these products and to protect bad decision-making that affects the future economic prospects of our student-athletes, particularly those who come from communities that are vulnerable to disparate health outcomes, predatory lending, and financial exploitation. A proposed structure would need to support financial planning, social media presence, and tax and accounting issues. Colleges and universities aim to educate and enlighten the whole student, and our programs and offerings regarding NIL should consider the student-athletes' abilities and possibilities holistically.

Conclusion

In closing, as universities, we need to educate because, after all, that is our mission and our business. That education must include providing the correct information and a pathway for

students to select beneficial partnerships and possess financial literacy so that they may reap the benefits of these NIL deals long after graduation.

There must be a true partnership between the NCAA, the member institutions, and the student-athletes. Our name, image, and likeness are all intertwined.

NCAA student-athletes, especially our Virginia State University student-scholars, show an unparalleled commitment to their craft. That unparalleled commitment and dedication leads to my unequivocal support of legislation that provides a single national standard for collegiate athletes to market their name, image, and likeness.

Thank you again for inviting me and I look forward to your questions.