

Opening Statement on “Protecting College Athletes’ NIL Dealmaking Rights” Hearing – U.S. House of Representatives Energy & Commerce Committee

Trey Burton

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Introduction

Good morning Chair Rodgers, Ranking Member Pallone, Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the Committee. I want to thank you for the opportunity to testify before you today on the issue of name, image, and likeness (NIL) compensation for student-athletes.

My name is Trey Burton, and I am a former collegiate athlete from the University of Florida, Go Gators. I was then fortunate enough to play 7 years in the National Football League (NFL) with the Philadelphia Eagles (4 years), Chicago Bears (2 years) and Indianapolis Colts (1 year). I currently reside in Tampa, Florida with my wife and 3 children.

My college experience

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

One of the reasons I believe I'm credible to talk about the issues in question today is the fact that I have seen my sport from the lowest level at the age of five to the highest level at the age of 30. I had my breakthrough game in my freshman season, (setting the record for TD in a single game(6)) and had a great amount of success early on in my time at the university - I would have been a perfect candidate and benefitted greatly from NIL.

I got married and had a my first child in my junior year at Florida. The resources I could've potentially received would've benefited my family and gone a long way at the time. As a 7 year NFL veteran I can also testify to how the sport changes IF you're fortunate enough to make the jump from amateur sport to professional sport. The peace of mind a scholarship gives you compared to that of a non-guaranteed NFL contract is apples-to-oranges. They are different worlds. The business side of the NFL is complex

but having successfully walked through those contracts it is important to me to speak on those differences and properly equip student athletes for that transition. We have an opportunity with NIL to ensure that the business deals benefit student athletes, rather than harm them or set them up poorly in the long run.

Thoughts on current state of college football

As many of you are aware, college football has changed dramatically over the last 18 to 22 months. There has been a lot of debate over whether these changes have been good or bad for collegiate sports. The evolution of name, image, and likeness has happened so fast that many would argue that it's like the wild west for universities and athletes alike. The line between amateur sports and professional sports seems to be getting blurrier every day. States like California have proposed legislation to equal revenue sharing between athletic programs and student athletes. There are even efforts to make all student athletes employees of the universities that they attend. I'd like to first start by stating that I believe NIL is here to stay. I also believe that college athletes should be able to get paid as much as legally possible from the marketplace for their name, image, and likeness.

NIL Positives

In my opinion, the good that has come with NIL has heavily outweighed the bad. We are now seeing athletes be able to profit off of not only their name, image and likeness, but also off of business ventures, endorsement deals, and marketing opportunities, which I, 10 years ago, never got the chance to do. There are also amazing stories of athletes giving back to their communities and spreading awareness to areas and organizations near and dear to their hearts. Some of these young adults are even able to use their funds to take care of their family back home, which would've never been possible prior. When I was playing, athletes had to choose whether to make money or pursue the sport of their dreams and gain an education. I'm so glad that's no longer the case now.

NIL Negatives

On the other hand, some of the negatives I have heard and seen with NIL are first and foremost how every state has their own laws, rules, and regulations regarding how NIL is used. This is especially dangerous with the uses of NIL in recruiting. There is evidence that NIL is currently being used as a recruitment tool for both high school athletes as well as potential transfer athletes. NIL was never intended to be used as pay-for-play. One of the worst examples for pay-for-play would be to make these athletes employees of their universities. Not only do universities not want this, but I believe this is where amateur sport crosses the lines into professional sports. Another issue we have seen has been a lack of transparency regarding the language in some of these deals that the athletes have been given and or have already accepted. There have been reports of agents taking up to 30% in fees and reports of athletes signing away their intellectual property

including in some cases, access to their social media accounts. If we don't establish a uniform set of rules with clear guidelines, these issues will only magnify allowing student athletes to be taken advantage of or caught in the middle.

In conclusion

As a former division 1 athlete, I can tell you that my fear is that these student athletes have been thrown into a fire with limited resources and no infrastructure to help them succeed and protect them from bad actors. There needs to be a uniform set of NIL rules that everybody has to play by, no matter where the student plays or how large or small the school or sport is. We need to make it a priority now more than ever to educate our student athletes about how to take proper advantage of their financial opportunities, so that they can be set up for success now and in the future. We've got to find a way to remove NIL from recruiting and stay as far away from any pay-for-play model as possible to keep the integrity of these exciting, life-changing sports.

Thank you again for the opportunity to speak before you today, and I look forward to answering your questions.