

May 1, 2023

Jessica Herron

Legislative Clerk

Subcommittee on Innovation, Data, and Commerce

House Committee on Energy and Commerce

2125 Rayburn House Office Building

Washington, DC 20515-6115

Re: Kaley Mudge's Responses to Additional Questions for the Record

Dear Ms. Herron,

I would like to thank the Subcommittee for inviting me to participate in the hearing on March 29, 2023 to testify on the topic of "Taking The Buzzer Beater To The Bank: Protecting College Athletes' NIL Dealmaking Rights." It was such an honor to testify and share my experiences.

Pursuant to the Rules of the Committee on Energy and Commerce, I am attaching my answers to additional questions for the record, in the required format.

Thank you again so much for your help, and please let me know if you have any additional questions.

Sincerely,

Kaley Mudge

## Attachment 1—Additional Questions for the Record

### The Honorable Debbie Lesko

ESPN has given trans-identifying, male swimmer Lia Thomas recognition for Women's History Month. I am concerned that this foreshadows how NIL could be used to undermine female athletes in contracts. Not only is it fundamental discrimination against women athletes to force them to compete against men in their own sport, but it has a direct impact on parity in representation of female athletes for NIL deals. Partnership with Thomas, for instance, could be recognized as a contract with a female athlete.

1. Do you believe that biological male college athletes identifying as women should be rostered and able to compete on women's teams? Why or why not?

Protecting both women's sports and NIL opportunities are obviously important issues. I don't have a thorough understanding of how these two issues overlap.

2. Do you believe that NIL contracts going to biological male athletes identifying as women should be categorized as NIL contracts in women's sports? Why or why not?

My focus has been to ask Congress to level the playing field between state where laws differ on the use of their name, image, and likeness.

### The Honorable Greg Pence

1. Can you share how your interactions with the collective at FSU have gone? Has the FSU collective generated any benefits for you?

I have had very positive interactions with Florida State's collective. They have been instrumental in creating new NIL opportunities for me with local businesses in Tallahassee. I also serve as an ambassador to help further promote our collective. One major benefit that the collective has generated for me is the ability to help me pay for nursing school after my athletic eligibility is finished.

### The Honorable Kelly Armstrong

1. What suggestions do you have to address the transfer portal? How can we ensure that the transfer portal is used for more traditional reasons and not the promise of an NIL deal?

I think the transfer portal is a great opportunity for athletes to pursue different institutions for various reasons. One major suggestion that I would address would be to somehow prohibit collectives from interacting with transfers. There are a number of student athletes who have been promised thousands of dollars to transfer to a specific school, and I personally think that is not

the intention of college athletics. Athletes should not be coerced to pick a certain university based on money; rather, they should be given the fair opportunity to choose an institution based on where they fit in and where they feel they will be happy.