



May 1, 2023

Jessica Herron
Legislative Clerk
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Re: Jason Stahl's Responses to Additional Questions for the Record

Dear Ms. Herron:

Thank you again for the invitation to appear before the March 29, 2023 Subcommittee on Innovation, Data and Commerce hearing "Taking the Buzzer Beater to the Bank." I very much appreciated the opportunity and your helpfulness throughout the process.

Attached you will find my answers to additional questions for the record.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Stahl", is positioned below the word "Sincerely,".

Jason Stahl
Founder and Executive Director
College Football Players Association

Attachment 1 – Additional Questions for the Record

The Honorable Debbie Lesko

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?

In the hearing on March 29, 2023, I always made sure that I was speaking on behalf of our membership, our Leadership Committee and our platform at the College Football Players Association. As the founder and Executive Director of a membership-driven labor organization, I believe this is what is appropriate. Too often, leadership of labor organizations in the United States—in the past and in the present—have taken political positions at odds with their membership. I do not intend to follow this pattern.

So, in response to this question, I will say that, while I have my personal opinions on this matter, on all such political questions I need to defer to our membership and Leadership Committee and their will. Right now, this issue simply has not been discussed as it is not in any way central to the lives of past, present and future college football players. As you know, football is a male-dominated sport, but should any female athletes want to play football, we believe they should be able to.

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?

Whether such a contract is categorized as a “male” or “female” contract simply does not matter. However, I think the framing of this matter reflects a misunderstanding of the issue of Name, Image and Likeness rights which was too often forwarded at the hearing on March 29.

The Name, Image and Likeness marketplace for college athletics is a private marketplace that exists outside of the schools themselves. Such a private marketplace exists for any American in multiple fields should they wish to monetize their name, image and likeness. For instance, actors and actresses regularly sign promotional deals where they monetize their name, image and likeness. College athletes only recently gained access to this private marketplace because for years the NCAA fought against them having this basic right enjoyed by all other Americans.

So, whether a particular private name, image and likeness deal is categorized as “male” or “female” simply does not matter.

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?

At the College Football Players Association, we believe that college football players being able to transfer schools like any other student is a good thing. For too long, players had enormous restrictions put on their ability to transfer away from a school and/or football program that was not working for their academic or athletic plans in life. So, the fact that they can much more easily transfer now is a good thing.

There are multiple reasons a player might transfer and, having spoken with many, many players who have gone through the transfer process, it is very rarely for the promise of an NIL deal. Most often, it is to increase their playing time; because they have friction with their current coach; personal reasons; or to embark upon a new degree after they've received a degree.

However, if the stakeholders in college athletics wish to decrease the number of athletes transferring for an NIL deal, the best way to do so would be to bargain with the players through their independent players associations. Such bargaining could produce new rules around transferring in exchange for new protections for players and new ways to compensate players outside of the private NIL marketplace. Such bargaining would greatly decrease the importance of private NIL deals generally and thus make it less likely that a player would transfer for such a reason.