

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Innovation, Data and Commerce Ranking Member Jan Schakowsky

Innovation, Data, and Commerce Subcommittee Hearing on “NIL Playbook: Proposal to Protect Student Athletes’ Dealmaking Rights”

January 18, 2024

Thank you, Mr. Chairman. College sports is a multi-billion dollar industry and the athletes generating that revenue receive none of it. Thankfully college athletes are finally able to receive some money through name, image, and likeness (NIL) deals, although this is only from third parties, not from the universities and conferences profiting off of their labor.

For far too long, the NCAA prohibited college athletes from even profiting from their own name, image, and likeness. College athletes are only able to now enter into NIL deals thanks to the tireless advocacy of college athletes, including the football team at Northwestern University in my own district.

For those who are unaware, in 2015 Northwestern football players began a drive to unionize and fight for more protections and rights. I supported those efforts, and was disheartened to see the tactics used by the institution to put an end to it. My experience with the Northwestern football team informs my opinions today and is why I’m concerned with many of the provisions in the discussion draft before us.

Today’s discussion draft would bar athletes from exercising their right to unionize and grant the NCAA, conferences, and universities an anti-trust exemption. The draft also contains provisions that would erode college athletes’ rights to enter into name, image, and likeness deals and bar them from sharing in broadcast and attendance revenue.

All of these provisions take power away from the athletes.

Instead of returning power to the NCAA and the universities, I believe that any proposal this Subcommittee works on must center around the needs and rights of athletes. We should be discussing college athletes’ medical coverage, health and safety standards, the right to collectively bargain, and stronger Title IX enforcement.

Some states have implemented strong health and safety provisions into their NIL laws. Maryland, for example, mandated guidelines to prevent, treat, and assess brain injuries and heat-related illnesses following the death of a young football player named Jordan McNair. Enforceable health and safety provision must be included in any NIL bill this Committee works on.

Our college athletes have been exploited for too long.

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It is imperative that we protect our athletes' health, as well as their rights to organize and demand fair compensation for their labor. These rights and the work of the athletes are the reason we are here today, and we must protect and enhance these rights, not restrict them.

I look forward to today's discussion and supporting college athletes across the country.

Thank you, and I yield back.