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6 NIL PLAYBOOK:

7 PROPOSAL TO PROTECT STUDENT ATHLETES' DEALMAKING RIGHTS

8 THURSDAY, JANUARY 18, 2024

9 House of Representatives,

10 Subcommittee on Innovation, Data, and Commerce,

11 Committee on Energy and Commerce,

12 Washington, D.C.

13

14 The subcommittee met, pursuant to call, at 10:34 a.m. in  
15 2123 of the Rayburn House Office Building, Hon. Gus  
16 Bilirakis, [chairman of the subcommittee] presiding.

17

18 Present: Representatives Bilirakis, Bucshon, Walberg,  
19 Duncan, Dunn, Lesko, Pence, Allen, Fulcher, Harshbarger,  
20 Cammack, Rodgers (ex officio); Schakowsky, Castor, Dingell,  
21 Kelly, Soto, Trahan, and Pallone (ex officio).

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22           Also present: Representatives Carter, Griffith, Joyce,  
23 Miller-Meeks, Obernolte, Pfluger; Cardenas, and Veasey.

24

25           Staff Present: Kate Arey, Digital Director; Sarah  
26 Burke, Deputy Staff Director; Michael Cameron, Professional  
27 Staff Member; Jessica Herron, Clerk; Nate Hodson, Staff  
28 Director; Sean Kelly, Press Secretary; Peter Kielty, General  
29 Counsel; Emily King, Member Services Director; Tim Kurth,  
30 Chief Counsel; Brannon Rains, Professional Staff Member;  
31 Michael Taggart, Policy Director; Teddy Tanzer, Senior  
32 Counsel; Hannah Anton, Minority Policy Analyst; Keegan  
33 Cardman, Minority Staff Assistant; Waverly Gordon, Minority  
34 Deputy Staff Director and General Counsel; Daniel Greene,  
35 Minority Professional Staff Member; Tiffany Guarascio,  
36 Minority Staff Director; Lisa Hone, Minority Chief Counsel,  
37 Innovation, Data, and Commerce; Mackenzie Kuhl, Minority  
38 Digital Manager; Joe Orlando, Minority Junior Professional  
39 Staff Member; Phoebe Rouge, Minority FTC Detailee; and Andrew  
40 Souvall, Minority Director of Communications, Outreach, and  
41 Member Services.

42

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43           \*Mr. Bilirakis. The subcommittee will come to order,  
44 and the chair recognizes himself for an opening statement.

45           Again, good morning, everyone. Welcome to today's  
46 hearing titled, "NIL Playbook: Proposal to Protect Student  
47 Athletes' Dealmaking Rights.'`

48           Last year our subcommittee held an educational hearing  
49 on this topic of Name, Image, Likeness in collegiate  
50 athletics, where we heard from student athletes, university  
51 presidents, athletic directors, and others involved in this  
52 rapidly growing field. On the heels of this season's college  
53 football national championship game, where the University of  
54 Michigan Wolverines defeated the University of Washington  
55 Huskies, there has been never been a better time to address  
56 this topic.

57           And I will tell you, it was a hell of a game. I think  
58 the Huskies played a lot better during the semifinal game,  
59 but I want to \_

60           \*The Chair. Yes, we want a do-over.

61           \*Mr. Bilirakis. Yes, you want a do-over, yes.

62           [Laughter.]

63           \*Mr. Bilirakis. You just might get that next year. And

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64 I want to say congratulations again to the Wolverines and the  
65 Michigan fans nationwide, including my friends. And I mean  
66 these are my good friends, Debbie Dingell and our vice  
67 chairman, Tim Walberg, for their victory. Congratulations.

68 I wanted to be clear today. NIL is great for players,  
69 and the change was long overdue. At the same time, the  
70 sudden transition to NIL has enabled a Wild West environment,  
71 where pay-for-play is rampant. I don't think anybody can  
72 argue that, that that is not true. The purchasing of players  
73 has set college athletes \_ athletics on an unsustainable  
74 path, in my opinion.

75 To ensure a long-term future for college athletics, we  
76 must promote safe guardrails and a level playing field.  
77 There is no doubt that Congress needs to act. Unfortunately,  
78 the NIL landscape is complicated because the NCAA created  
79 many of the problems to begin with, and has since struggled  
80 to get a handle on this evolving landscape.

81 Now, to be fair, the current president, who is here  
82 today, he is new to this, and he is trying to fix it, and he  
83 has been working with us on a regular basis, and I appreciate  
84 that so very much.

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85 I am certainly among those who have been concerned with  
86 some of the association's however, the association's recent  
87 activities while supportive of others, and I look forward to  
88 hearing from President Baker's testimony.

89 As money has poured in from boosters, collectives, and  
90 corporate entities to purchase players for their favorite  
91 team, small schools and non-revenue-generating sports are  
92 often forgotten. Meanwhile, I believe we are losing sight of  
93 the educational opportunities and values that define the  
94 student experience in universities across our nation.

95 Some have further advocated for students as employees or  
96 for forced revenue sharing schemes, both of which have the  
97 potential to end many women's sports programs and  
98 significantly reduce our Olympic pipeline. In the 2020 Tokyo  
99 Games, almost 82 percent of American medalists had direct  
100 ties to a collegiate program.

101 So while the courts have settled the debate on NIL  
102 compensation broadly, it has become necessary for Congress to  
103 step in and provide some common-sense rules of the road. And  
104 I believe that that is what we have done with this discussion  
105 draft.

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106           Again, this is a discussion draft. Today we are  
107 considering my discussion draft \_ as I said, a proposal \_ the  
108 FAIR college sports Act. The goal of this bill is to  
109 establish a clear set of rules so that young people are  
110 protected, opportunities for them promoted, and amateur  
111 sports of all kinds are preserved, and does so without  
112 expanding government, and this is what this draft does.

113           Again, we want to file the bill as soon as possible.  
114 And again, I have been working with Mrs. Dingell, and she  
115 hasn't committed to cosponsoring my bill, but we have been  
116 working together and following tradition, tradition of this  
117 great committee, Energy and Commerce, working in a bipartisan  
118 fashion.

119           The FAIR college sports Act has received an open and  
120 robust stakeholder feedback process over the past eight  
121 months. I don't believe this should be a bipartisan issue \_  
122 it should be a bipartisan issue, excuse me \_ and I am excited  
123 to formally begin a public discussion on NIL legislation and  
124 know that we can come together to build consensus. We can do  
125 this. We need to save college sports as we know it.

126           I am grateful to our former colleague, Senator Ben Ray

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127 Lujan, for his efforts to move the ball forward on this issue  
128 with me, and Ben Ray has been outstanding. We have been  
129 working with him for several weeks on the Senate side.

130 I also particularly want to thank Representative  
131 Dingell, who has committed to working with me to find a path  
132 forward. I know she has some concerns with the current  
133 draft, and I am sure there are issues that we won't fully  
134 agree on, but this is why we have legislative hearings and  
135 run a regular order process to discuss these matters and work  
136 on them together.

137 And I also look forward to working with my ranking  
138 member, Jan Schakowsky, on this particular discussion draft.  
139 We are going to try to meet on a regular basis, and I want to  
140 see what issues she has with this draft. And if we can find  
141 consensus that would be fantastic, because the sooner we get  
142 this across the finish line, the better for our athletes.

143 It is important to remember, again, Energy and Commerce  
144 is where bipartisan proposals flourish and become law. NIL  
145 should be one of those examples. I don't see why not.

146 I also want to call out the three student athletes  
147 represented on the panel today: Meredith Page, Keke Tholl,

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148 and Chase Griffin.

149           You are the reason why we do this. With a thoughtful  
150 and balanced framework, I am confident we can provide  
151 stability to collegiate athletics while ensuring to protect  
152 athletes, promote fair play, and preserve the sports we know  
153 and love. I want to thank you for your bravery. And please  
154 don't get nervous, just tell us how you feel about this  
155 particular issue. But really, thank you for coming forward  
156 today. It really does take a lot of bravery, and I know you  
157 will do an outstanding job. So I want to thank all of you  
158 for being here, and I look forward to a productive discussion  
159 on this important issue.

160           [The prepared statement of Mr. Bilirakis follows:]

161

162 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

163



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164           \*Mr. Bilirakis. And I yield back. The gentlelady from  
165 Illinois, Ms. Schakowsky, for five minutes for her opening  
166 statement.

167           \*Ms. Schakowsky. Thank you, Mr. Chairman, I am really  
168 glad to be here at this hearing, and welcome all the  
169 witnesses again. The student athletes that are here really  
170 want to hear from you.

171           So we are talking right now about college athletics, and  
172 we know that it is \_ now college sports are really a multi-  
173 billion-dollar industry. The money is generated by the  
174 student athletes who actually from their institutions get  
175 nothing in terms of compensation.

176           And I want to say a special welcome to the hearing of  
177 our NCAA President, Charlie Baker. I know that he is pretty  
178 new to this job, and I appreciate the conversations that we  
179 have been able to have at the beginning of \_ when you came,  
180 and just this week.

181           But I do want to say that I appreciate, Mr. Chairman,  
182 what you are saying, that we are talking about a discussion  
183 draft right now, and that it is very important that we work  
184 together in a bipartisan basis to come up with a final

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185 conclusion. And I really do look forward to these  
186 conversations and, you know, wish we had even begun even  
187 sooner on that. But here we go.

188 I believe in this conversation that we have to make the  
189 rights and privileges of and protection of student athletes  
190 to be number one. And today, right now, the only way that  
191 college athletes can make any \_ get any resources based on  
192 name and image and likeness is from third-party players, so  
193 \_ third-party companies. So, you know, we may want to have a  
194 conversation about that, as well.

195 So I was involved with some students at Northwestern  
196 University some years ago in 2015, when they were talking  
197 about unionization. And I actually stood with them because  
198 they were concerned about health care issues, as well as  
199 compensation issues. That was not successful, but I credit  
200 them for organizing around these issues. And we need to  
201 listen to the student athletes as we begin our effort.

202 And let me just say that I think there are a couple of  
203 things that we ought to really pay most attention to, and  
204 that will be medical coverage \_ and I know that Charlie has  
205 paid attention to those issues, and I appreciate that, the

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206 health and safety standards, the rights to collective  
207 bargaining. I do want to have that conversation as we go  
208 forward. And strong title 9 enforcement, we want to make  
209 sure the equity between the genders, et cetera, is very, very  
210 important.

211 So I really, really do look forward to, you know,  
212 enforcing some of the health and safety provisions that have  
213 to be made really, really clear and universal for our  
214 students, our student athletes, and I think we will have a  
215 robust discussion today, and look forward to coming up with  
216 legislation \_ although, you know, in some cases I wonder why  
217 Congress is better than \_ sometimes the courts themselves are  
218 better in protecting our students. But we will be working in  
219 a bipartisan basis, and that is the most important thing.

220 [The prepared statement of Ms. Schakowsky follows:]

221

222 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

223

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224           \*Ms. Schakowsky. And with that I yield back.

225           \*Mr. Bilirakis. I thank the gentlelady. I look forward  
226 to working with her. I now I recognize the chair of the full  
227 committee, my good friend, Mrs. Rodgers, for five minutes for  
228 her opening statement.

229           \*The Chair. Thank you to our witnesses for being here  
230 today, and I want to take a moment to thank Chair Bilirakis  
231 for his exhaustive process over the past year to bring  
232 parties together. I recognize my colleagues, Representative  
233 Dingell and Senator Lujan, an alum of this committee, for  
234 their work with Chair Bilirakis to find a path forward on  
235 this important issue.

236           Every one of us takes pride in the universities and  
237 colleges in our home states, and we all want our student  
238 athletes to be successful both on and off the field. Today's  
239 hearing is the next step in our regular order process. This  
240 is an opportunity to continue the dialogue, address  
241 outstanding concerns, and hear from the student athletes who  
242 will benefit most from a clear set of uniform rules and  
243 protections.

244           To ensure that amateur athletes have every chance to

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245 succeed in life and in sports, we must give them clear  
246 guidance. Today we have the opportunity to hear from several  
247 of those athletes: Ms. Meredith Page, a division 1  
248 volleyball player at Radford University; Keke Troll \_ or  
249 Tholl, sorry, Tholl \_ a member of the University of Michigan  
250 softball team; and Mr. Chase Griffith \_ Griffin, a football  
251 player at UCLA.

252 And we appreciate you being here to share your stories  
253 with us. Your experience navigating this complex topic is  
254 critical as members work to refine the discussion draft under  
255 consideration.

256 The current patchwork of state laws is confusing for  
257 athletes, schools, and conferences alike, and it is  
258 unreasonable to expect student athletes to balance their  
259 studies while navigating this maze of complex and conflicting  
260 laws. They are put in an unwinnable position of running  
261 afoul of rules they would need a law firm to provide counsel  
262 on. This can be detrimental to their educational experience,  
263 as well as their savings and future career.

264 I recently heard about a draft NIL agreement with a  
265 collective which agreed to pay an athlete 1.5 million over 2

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266 years. Hidden in the fine print was a provision which  
267 allowed the collective "from time to time" to ask for  
268 repayment of that money, plus a 10 percent interest for  
269 commission and expenses. These provisions applied even if  
270 that agreement were to be terminated. This behavior is  
271 abhorrent, predatory, and is exactly what we are trying to  
272 prevent with this legislation.

273 With one national standard we can shield student  
274 athletes from such bad actors, provide transparency into the  
275 evolving NIL marketplace, and allow athletes to focus on  
276 succeeding on the field and in the classroom. We need to get  
277 this right in order to protect the rights of millions of  
278 young Americans who continue receiving an education and  
279 competing in the sports they love.

280 Furthermore, while some sports at the highest level are  
281 profitable, for most student athletes competing in sports is  
282 a non-revenue-generating endeavor. Many of these programs  
283 continue to be paths for students pursuing higher education,  
284 and for some to even represent our country to the world. For  
285 instance, in the 2020 Tokyo Games over 80 percent of the U.S.  
286 medalists had ties to a collegiate program, with more than

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287 170 U.S. institutions of higher learning being a training  
288 ground for the Olympians.

289         Some proposals currently being discussed along with the  
290 uncertainty created by a patchwork of state laws jeopardize  
291 these opportunities for young people and could prevent them  
292 from accessing a college degree program. It would mean that  
293 many small schools, including Historically Black Colleges and  
294 Universities and others could be forced to eliminate their  
295 sports programs altogether. Our proposal would ensure these  
296 programs are preserved for student athletes across the  
297 country.

298         These collegiate athletes are more than just athletes.  
299 They are students, small business owners, podcasters,  
300 entrepreneurs, and more. They deserve clear guidelines and  
301 transparency.

302         NIL is a long-overdue means of compensation for student  
303 athletes across the country. Every student athlete deserves  
304 the opportunity to succeed in their sport and in life. There  
305 are many other important conversations currently happening in  
306 collegiate sports that aren't necessarily specific to the  
307 issue of NIL \_ for instance, title 9 \_ which other committees

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308 are actively engaging on.

309 As we continue this discussion I encourage all of my  
310 colleagues, House and Senate, as well as stakeholders, to  
311 work with us in providing the best protections and  
312 opportunities possible for our student athletes.

313 [The prepared statement of The Chair follows:]

314

315 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

316



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317           \*The Chair. Thank you, I yield back.

318           \*Mr. Bilirakis. I thank the chairwoman, and now I  
319 recognize the gentleman from New Jersey, Mr. Pallone, for  
320 five minutes for an opening statement.

321           \*Mr. Pallone. Thank you, Mr. Chairman.

322           When it comes to college athletics and Name, Image, and  
323 Likeness, NIL, I believe our focus should be on what is best  
324 for students. For far too long, college athletes, unlike any  
325 other student, faculty member, or coach, were prohibited by  
326 the NCAA from profiting from their own Name, Image, and  
327 Likeness. And thankfully, that has finally changed, and I  
328 have not heard a single good argument for why Congress should  
329 erode a college athlete's newly acquired NIL rights.

330 Unfortunately, the discussion draft before us today would  
331 significantly restrict college athletes' NIL rights and  
332 cement the NCAA's monopolistic control over players. This  
333 committee should be working to preserve athletes' NIL rights.

334           We should also work to establish health and safety  
335 protections that ensure players are guaranteed coverage for  
336 athletic-related medical expenses, and to provide baseline  
337 player health and safety standards. And we should strengthen

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338 title 9 protections and uphold college athletes' First  
339 Amendment right to organize. Instead, the Republican  
340 committee leadership has chosen to take up a discussion draft  
341 that would do more harm for college athletes than good, in my  
342 opinion.

343 [The prepared statement of Mr. Pallone follows:]

344

345 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

346

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347           \*Mrs. Trahan. I wanted to split my remaining time  
348 between two colleagues, Representative Trahan and  
349 Representative Dingell. And so I will initially yield two  
350 minutes to Representative Trahan, who is, of course, a former  
351 college athlete, as we all know.

352           \*Mrs. Trahan. Well, thank you, Ranking Member Pallone.  
353 I am grateful to you and to Ranking Member Schakowsky for  
354 ensuring that we have witnesses that truly represent the  
355 breadth of athlete experiences in college sports today.

356           Athletes' perspectives are extremely important \_ in  
357 fact, I would argue the most important \_ as this committee  
358 considers legislation that directly affects athletes' rights.  
359 However, as many current or former college athletes will tell  
360 you, it is their voices that are often sidelined in  
361 conversations about the future of the multi-billion-dollar  
362 industry built on their hard work.

363           For decades athletes were told that the rules and  
364 policies governing their lives were in their best interests,  
365 that they were meant to protect them, when they really  
366 fostered a system that rewarded everyone except those  
367 creating the value. But times have changed. Athletes have

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368 more power today than ever before. And despite what may be  
369 said by some here today, that is a good thing.

370 I trust athletes because, as a former D1 volleyball  
371 player, I know what the opportunity to play the sport you  
372 love at the school of your dreams means to you. I trust  
373 athletes because I have talked to them, and I have heard  
374 their stories about sending NIL money home so that parents  
375 could pay their bills, or using it to put food on their own  
376 table when the dining hall is closed.

377 The last thing this committee should be considering is  
378 legislation that would limit those opportunities. Instead,  
379 we should be working together to solve the real issues facing  
380 athletes today, issues like international athletes not having  
381 NIL rights, title 9 loopholes, robbing women athletes of  
382 roster spots, and outdated health and safety standards that  
383 fail athletes. So I am disappointed that none of those  
384 problems are addressed by the legislation featured in today's  
385 hearing, and that the majority rejected Democratic requests  
386 to include my bicameral NIL legislation, the College Athlete  
387 Economic Freedom Act.

388 I urge my colleagues to work together to find compromise

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389 on this issue. It is more important that we get it right,  
390 rather than rush through a one-sided proposal that doesn't  
391 meet the needs of hardworking athletes.

392 [The prepared statement of Mrs. Trahan follows:]

393

394 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

395

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396 \*Mrs. Trahan. I yield back.

397 \*Mr. Pallone. And now I yield the remaining time to  
398 Mrs. Dingell.

399 \*Mrs. Dingell. Thank you, Mr. Pallone.

400 I have to begin by saying Go, Blue. We had a great  
401 celebration at Michigan with all of our athletes last  
402 weekend.

403 I want to thank Keke Tholl, our University of Michigan  
404 softball player, for being here with us as a witness to give  
405 us her perspective on the intersection between college  
406 athletics and NIL.

407 I also want to recognize a Michigan great, Carol  
408 Hutchins \_ Hutch, as we call her \_ the winningest coach in  
409 the NCAA softball history. I have to say to you, one of the  
410 witnesses said, when I said, "Hutch came with Keke," she  
411 said, "If there was a Mount Rushmore of coaches, Hutch would  
412 be one of them." And I am lucky because I have Hutch, Jim  
413 Harbaugh, Warde Manuel, Scott \_ I have the best and the  
414 brightest minds in sports in Michigan giving me advice. And  
415 for the record, Hutch and Harbaugh don't agree.

416 [Laughter.]

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417           \*Mrs. Dingell. But as those from \_ but that is why I am  
418 lucky, because I am listening to everybody, which is what we  
419 must do right now. And I respect and listen to all of them.

420           As those of us from Michigan know, college sports are a  
421 big deal, and they are the lifeblood of many communities  
422 across our country. As someone who represents a significant  
423 college athlete population at schools big and small \_  
424 Michigan has 29 programs, and I want all 29 of those programs  
425 to stay there. Eastern is a very respected smaller school,  
426 but it can't pay for the sports the way a lot of others do.

427           I am committed to crafting meaningful Federal  
428 legislation that ensures all college athletes are heard,  
429 protected, and prioritized.

430           We are here today to discuss a framework for Name,  
431 Image, and Likeness, or NIL, and I am here to learn. The  
432 chairman's discussion draft is a start. There are some  
433 provisions I like. He knows that. But I am concerned about  
434 others \_ and anybody who knows when I am concerned somebody  
435 knows it \_ including a ban on employment and the antitrust  
436 provisions. We will need to continue working through them  
437 and add new protections that ensure important safeguards are

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438 put in place.

439 We need to make sure all athletes are treated fairly,  
440 female athletes are protected and supported, and that the  
441 integrity of college sports is to be maintained. I want  
442 college sports to stay college sports.

443 I am glad this subcommittee has begun tackling this  
444 important task, and I look forward to working with Chairman  
445 Bilirakis, all the members of this committee \_ yes, including  
446 a former college athlete herself, Congresswoman Trahan \_ on a  
447 national standard that protects and empowers college  
448 athletes.

449 We need to get this right. We need to prioritize gender  
450 equity, health, and safety, and, most important, the  
451 athletes. Thank you. I am looking forward to the \_  
452 beginning of the conversation today.

453 [The prepared statement of Mrs. Dingell follows:]

454

455 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

456



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457           \*Mrs. Dingell. And I yield back.

458           \*Mr. Bilirakis. The gentlelady yields back. We  
459 appreciate it very much. Thanks for her input.

460           Our first witness \_ we will move on, and our first  
461 witness is Governor President Charlie Baker, president of the  
462 National Collegiate Athletic Association, the NCAA.

463           You are recognized, sir, for five minutes. We  
464 appreciate your presence here today.

465

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466 STATEMENT OF CHARLIE BAKER, PRESIDENT, NATIONAL COLLEGIATE  
467 ATHLETIC ASSOCIATION; JEFF JACKSON, COMMISSIONER, THE  
468 MISSOURI VALLEY CONFERENCE; MEREDITH PAGE, STUDENT ATHLETE,  
469 RADFORD UNIVERSITY VOLLEYBALL; CHASE GRIFFIN, STUDENT  
470 ATHLETE, UCLA FOOTBALL; KAITLIN "KEKE" THOLL, STUDENT  
471 ATHLETE, UNIVERSITY OF MICHIGAN SOFTBALL; AND VICTORIA  
472 JACKSON, ASSOCIATE CLINICAL PROFESSOR OF HISTORY, ARIZONA  
473 STATE UNIVERSITY

474

475 STATEMENT OF CHARLIE BAKER

476

477 \*Mr. Baker. Thank you very much, Mr. Chairman. To you,  
478 Mr. Chairman, and to Vice Chairman Walberg and to Ranking  
479 Member Schakowsky and distinguished members of the  
480 subcommittee, thank you for the opportunity to speak with you  
481 today.

482 Since becoming president of the NCAA nearly a year ago,  
483 I have had the privilege of meeting a countless number of the  
484 more than 500,000 student athletes we serve each year. In  
485 many ways I have seen a system that is thriving. I have met  
486 young people for whom college has created a pathway to obtain

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487 an education that would otherwise not be available to them,  
488 and I have seen record-setting graduation rates, and I have  
489 witnessed explosive growth in women's sports, where NCAA  
490 championships often represent the pinnacle of competition.  
491 These and many other successes have deepened my conviction  
492 that college sports represents one of the world's greatest  
493 human development programs.

494 At the same time, I have also seen the ways in which  
495 college sports have been too slow to modernize and too  
496 resistant to change, and how those failures to adapt have  
497 invited threats to its very future. That is why I took this  
498 job: to work with student athletes, our member institutions,  
499 and elected officials to forge a fair, equitable, and  
500 sustainable path forward for college sports. That work is  
501 well underway.

502 Before answering questions this morning, three updates  
503 on how the NCAA is changing. First, at the NCAA we are  
504 exhausting every option available to lead many of these long-  
505 overdue reform efforts, and I want to share just a few from  
506 the past year.

507 First, we launched an Injury Insurance Fund that will

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508 provide student athletes from all NCAA divisions access to  
509 health insurance for athletically-related injuries for up to  
510 two years after they graduate. That starts in August.

511 We adopted new mandatory requirements that all Division  
512 1 members offer degree completion funds for up to 10 years  
513 following the conclusion of a student athlete's eligibility,  
514 and scholarship guarantees, and mandatory health and  
515 well-being services.

516 We have also made great strides in establishing needed  
517 student athlete protections related to Name, Image, and  
518 Likeness agreements, as evidenced by the new rules that were  
519 passed by our Division 1 council just last week.

520 And we put forward a proposal that we called Project D1  
521 that would create a new subdivision to allow America's  
522 biggest college athletic departments to provide enhanced  
523 educational benefits, and to enter directly into NIL  
524 licensing agreement with \_ agreements with student athletes.  
525 That initial proposal is currently being further developed by  
526 the Division 1 Council.

527 Second, these reforms have been developed with student  
528 athletes' needs in mind, and earn their support. Each of the

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529 reforms I described were chosen based on priorities we have  
530 heard from student athlete advisory groups, and are being  
531 championed by the student athletes themselves.

532 And finally, while these reforms are popular and will  
533 prove transformative on their own, we believe they are  
534 inadequate to assure the safeguards for college sports'  
535 future. Even with the action we have taken and will continue  
536 to take, there remain threats to college sports that we lack  
537 the legal authority to address. These are narrow and few,  
538 but critically important.

539 Specifically, they relate to improving NIL outcomes for  
540 student athletes by giving legal backing to regulations that  
541 provide, among other things, consumer protections for student  
542 athletes such as some sort of uniform standard contract \_  
543 which exists, by the way, in every other financial market in  
544 the United States that we can think of \_ and by giving the  
545 support that student athletes need to be able to fairly  
546 capitalize on their NIL potential and protect them from some  
547 of the existing risks of exploitation which are absolutely  
548 out there, and ensuring compliance with title 9.

549 We are all in on working on ensuring compliance with

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550 title 9, especially with respect to NIL, and that is one of  
551 the reasons why Project D1 proposed to make it possible for  
552 schools to bring NIL inside, where title 9 would, A, be more  
553 transparent; and B, a much more legitimate piece of how the  
554 NIL program plays out.

555 We also want to protect and promote opportunities for  
556 student athletes by affirming that they are not employees at  
557 their universities. We believe this is critically important  
558 as we seek ways to expand benefits for student athletes in  
559 our largest athletic departments, while at the same time  
560 without risking opportunities in women's sports; Olympic  
561 sports; Divisions 2 and 3 sports, which, by the way, make up  
562 two-thirds of all of the colleges and universities in this  
563 country; and at Historically Black Colleges and Universities  
564 who have spoken quite effectively on this issue on their own.

565 I am extremely grateful to all of you, and especially to  
566 the chair, for his support of college sports and for  
567 introducing draft legislation. The draft legislation has  
568 many critically important components, which includes  
569 supporting and protecting student athletes by preempting  
570 state NIL laws and addressing critical issues such as the

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571 employment status of student athletes.

572           However, having read the legislation, we would like to  
573 be able to engage with the committee in a discussion about  
574 how to go about best implementing a model that will ensure  
575 the success of all of these great ideas and aspirations going  
576 forward. I absolutely believe that we can reach a bipartisan  
577 bill \_ to use the term that several have used previously, and  
578 I used to use a lot in my old job \_ that advances the promise  
579 of college athletes \_ athletics, and ensures the  
580 accountability that we all believe needs to be there.

581           I know that love of college sports runs deep within this  
582 congressional body, and I believe we all share the common  
583 goal of securing its place in our society's future, creating  
584 what I would describe as equilibrium in a world that, to  
585 many, currently feels completely disequilibrium.

586           I believe, in addition to that, that we can work  
587 together to ensure that all student athletes' opportunity to  
588 compete at the highest level while getting a world-class  
589 education for years to come should be, ought to be, and can  
590 be our ultimate objective. Thank you.

591           [The prepared statement of Mr. Baker follows:]

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592

593 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

594



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

595           \*Mr. Bilirakis. Thank you, Mr. President. Our next  
596 witness is Jeff Jackson, commissioner of the Missouri Valley  
597 Conference.

598           Thanks for being here, sir, and you are recognized for  
599 five minutes.

600           \*Mr. Jeff Jackson. Good morning.

601           \*Mr. Bilirakis. Good morning.

602

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603 STATEMENT OF JEFF JACKSON

604

605 \*Mr. Jeff Jackson. Chairman Bilirakis, Ranking Member  
606 Schakowsky, and members of the committee, I want to thank you  
607 for giving myself the opportunity to testify this afternoon  
608 about this topic.

609 For the last two-and-a-half years I have had the  
610 pleasure and honor of serving as commissioner of the Missouri  
611 Valley Conference, the second oldest collegiate conference in  
612 the Division 1 space in the country. Prior to that I was an  
613 executive associate commissioner of the Big 12 conference.  
614 Prior to that I was a deputy commissioner in the Big South  
615 after a long career as a Division 1 men's basketball coach.

616 For those of you who aren't familiar with the Missouri  
617 Valley, we are comprised of 12 institutions: 7 public, 5  
618 private. We reside in the states of Illinois, Indiana, Iowa,  
619 Kentucky, Missouri, and Tennessee. We serve over 4,000  
620 student athletes, and we have 17 championships. We have had  
621 institutions from our conference play in NCAA Final Fours in  
622 recent years, participate in baseball super-regionals. For  
623 many of our athletes, this is going to be their ultimate

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624 athletic experience. And for many of them, it is going to be  
625 their last athletic experience of this level of competition.

626 And one of the things that we appreciated seeing in the  
627 discussion draft was the understanding and the appreciation  
628 of the continued tethering to the academic importance that  
629 our student athletes will need to experience. Ninety-two  
630 percent of our student athletes will graduate in six years.  
631 This is a source of great pride for our members and,  
632 obviously, the charge that we all have in the administrative  
633 space of running a conference or running an institution.

634 You know, there is no question a couple of years ago  
635 when NIL came on board, so to speak, in a conference like  
636 mine it created some angst. It created some uncertainty in  
637 terms of what were going to be the intended and the  
638 unintended consequences of this endeavor. But very quickly  
639 our administrators embraced this. As a matter of fact, on  
640 several instances we were thoroughly impressed by the  
641 entrepreneurial spirit of our student athletes. It was  
642 fantastic, seeing their creativity.

643 I remember having a conversation with one of my  
644 chancellors, who happens to have a son who was a Division 1

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645 athlete. And his son had called home, and he was talking to  
646 the chancellor about, "You know, I got this contract and, you  
647 know, I am trying to figure out do I need to pay taxes, you  
648 know, there is an obligation clause here if I don't do this,  
649 I don't get that.'" And I am listening to this, and I am  
650 impressed. I am awed because, to me, we now have added  
651 another lever to creating a true student athlete experience:  
652 young people are learning how to manage things that are going  
653 to make a huge difference in their lives 5, 10, 15, 20 years  
654 from now.

655         The unfortunate thing about that is that went away  
656 pretty quickly. All of a sudden, NIL wasn't NIL. It became  
657 inducement. It became ways to poach and recruit student  
658 athletes. It became fraught with fraud. We all of a sudden  
659 had a underground market in which people were pestering,  
660 harassing, reaching out to our student athletes, trying to  
661 exploit them and take advantage of the fact that there was a  
662 financial opportunity involved.

663         No regulation, no understanding of what a legitimate  
664 agent is versus a illegitimate agent, no understanding of  
665 transparency, what was actually taking place in regards to

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666 what a student athlete's own self value was, because there  
667 was no way to find out. And I can't thank this committee  
668 enough for taking up this topic, because it is extremely  
669 important we are able to create an atmosphere where we can,  
670 one, allow our student athletes to take advantage of their  
671 NIL \_ and it needs to be NIL; but also at the same time keep  
672 them safe. So I look forward to having a great conversation  
673 about this topic.

674 And again, I thank you for taking it up.

675

676

677

678 [The prepared statement of Mr. Jeff Jackson follows:]

679

680 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

681

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682           \*Mr. Bilirakis. Thank you so much, sir. I appreciate  
683 it. Our next witness is Meredith Page, a school athlete at  
684 Radford University volleyball.

685           You are recognized for five minutes, and we really  
686 appreciate you being here again. Thank you.

687

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688 STATEMENT OF MEREDITH PAGE

689

690 \*Ms. Page. Chairman Bilirakis, Ranking Member  
691 Schakowsky, and distinguished members of the House  
692 Subcommittee on Innovation, Data, and Commerce, thank you for  
693 the opportunity to testify at this important hearing today.

694 My name is Meredith Page, and I am a junior on the  
695 women's volleyball team at Radford University, where I am  
696 currently studying business management. Becoming a student  
697 athlete in 2021 truly changed my life. I have seen myself  
698 grow from an unsure girl to a confident woman with the  
699 empowerment of college athletics.

700 Often a small decision leads to greater things, and I  
701 can enthusiastically say that my decision to join Radford's  
702 Student Athlete Advisory Committee, also known as SAAC, was  
703 one of those momentous decisions. By the end of my freshman  
704 year I had been named our SAAC president, and my passion for  
705 student athlete advocacy was born.

706 Fast forward a year later, in addition to still being  
707 Radford's president, I was now the chair of the Big South  
708 Conference SAAC and named the NCAA D1 SAAC Big South

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709 representative. Both my institution and my conference  
710 extensively demonstrate the value they place on the student  
711 athlete voice, and have inspired me to do the same. I have  
712 been honored to be the member of \_ a member of the Radford  
713 leadership team, where I participate in bi-weekly meetings,  
714 share the perspective of my fellow athletes, and learn from  
715 our administrators as they navigate operating our athletic  
716 department.

717 My exposure to the values of the Big South Conference  
718 came as I attended my first Big South leadership conference.  
719 The attention given to learning from their athletes at that  
720 conference demonstrated the high regard they place on the  
721 student athlete experience. As my involvement in the  
722 conference has grown, so has the opportunities afforded to  
723 me, including a seat in conference CEOs, athletic directors,  
724 senior women's administrators, and faculty athletic  
725 representative meetings, and eventually a seat on Division 1  
726 SAAC.

727 D1 SAAC is dedicated to enhancing the student athlete  
728 experience. We are comprised of one student athlete from all  
729 \_ from each 32 Division 1 conferences, representing over



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730 190,000 student athletes. The NCAA is dedicated to our  
731 integration into the governance structure and all leadership  
732 committees to ensure that the student athlete voice from  
733 student athletes themselves is not lost.

734 I am incredibly grateful to the chairman for including  
735 protections against athlete employment status. Division 1  
736 SAAC is unified in your pursuit of these protections.

737 An employment model presents many unknowns about what  
738 the future of college athletics looks like, with many  
739 questions to consider. Would institutions cut athletic  
740 programs to fund revenue-generating sports? How would this  
741 impact title 9 protections? What would happen to athletic  
742 scholarships? What does this do to the status of  
743 international student athletes? Many of these questions are  
744 at the forefront of student athletes' minds, and need to be  
745 resolved before any new models are implemented where we can  
746 finally put the emphasis back on the education, not the  
747 paycheck.

748 The student athlete experience prepares individuals from  
749 all walks of life to write their own story. The elimination  
750 of athletes by classification of employment would be

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751 detrimental to the framework of college athletics and the  
752 dreams of youth athletes across the country. Swimming,  
753 volleyball, tennis, and the rest on the long list of non-  
754 revenue-generating sports cannot be forgotten. It is so easy  
755 to lose touch with who is behind those titles: future  
756 doctors, lawyers, CEOs, and, most importantly, the next  
757 generation of leaders. They do not get \_ they do not deserve  
758 to get lost in the narrative.

759         The NCAA, excelling under Charlie Baker's leadership,  
760 has taken great action to the protection of student athletes,  
761 though the effectiveness is dimmed by a patchwork of state  
762 laws. Uniformity is key. A cohesive set of rules ensures  
763 that every student athlete, regardless of their program or  
764 location, can benefit from their NIL without unnecessary  
765 complications. Guardrails help maintain the integrity of  
766 collegiate sports while offering student athletes the chance  
767 to capitalize on their personal brand.

768         It is not just about the present, but also about  
769 creating a sustainable and fair system for future generations  
770 of student athletes. By advocating for uniformity, we can  
771 contribute to the environment where every student athlete has

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772 equal opportunity to navigate the realm of NIL. After all,  
773 when integrity, fairness, and competitiveness of college  
774 sports deviate, the student athletes are the ones impacted.

775 I am eager, alongside my peers, to collaborate with you  
776 and your colleagues to ensure that the interest of student  
777 athletes are at the center of the legislative process. I  
778 greatly appreciate your attention to this matter. Thank you  
779 for your dedication to public service and your commitment to  
780 the betterment of college sports.

781 [The prepared statement of Ms. Page follows:]

782

783 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

784

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785           \*Mr. Bilirakis. Thank you so very much. Next we have  
786 our witness, Chase Griffin, who is a student athlete at UCLA,  
787 and he plays football.

788           You are recognized, sir, for five minutes. I understand  
789 you are a quarterback.

790           \*Mr. Griffin. Yes, sir.

791           \*Mr. Bilirakis. You are recognized, sir. I appreciate  
792 it.

793

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794 STATEMENT OF CHASE GRIFFIN

795

796 \*Mr. Griffin. Good morning, Subcommittee Chair  
797 Bilirakis, Subcommittee Ranking Member Schakowsky, Chair  
798 Rodgers, Ranking Member Pallone, and other distinguished  
799 members of the subcommittee. I want to thank you for the  
800 opportunity to testify today.

801 I was born at UCLA Medical Center, Santa Monica. While  
802 I grew up a Texan, my dream was always to get back to UCLA  
803 and play football. Today I am living my dream. While  
804 playing for Hutto High School under the Texas Friday night  
805 lights, I was fortunate to win Gatorade and Ford Player of  
806 the Year awards. I learned the value that my hard work could  
807 bring to brands. Most college athletes share a similar  
808 journey, and bring personal brand equity, fan bases, and  
809 social media followings with them to college.

810 I have been blessed to enter over 40 NIL deals with  
811 companies based in a dozen states. There is enough harmony  
812 among state NIL laws to seamlessly operate across the  
813 country. I also won National NIL Athlete of the Year awards  
814 from the NIL Summit and Opendorse, and started the Athletes

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815 Bureau newsletter to help other athletes maximize their NIL  
816 opportunities and amplify college athlete perspectives. In  
817 my written testimony I submitted college athlete poll results  
818 conducted by the Athletes Bureau in conjunction with the  
819 Generation Lab.

820 Like me, most college athletes use their NIL savings for  
821 investing, saving, and building a solid financial foundation.  
822 For most of us, NIL is not Lamborghini money, but it could  
823 mean a downpayment on our first homes and a new pathway to  
824 the American dream. Knowing how important NIL has been in my  
825 life, I could not in good conscience support this bill.

826 The FAIR college sports Act creates regulatory obstacles  
827 for college athletics. This bill has over 200 negative  
828 references to NIL, with words like regulate, prohibit,  
829 sanction, restrict, and inducement, but it never mentions  
830 freedom, growth, innovation, or title 9.

831 NIL has gotten a bad rap in Federal policymaking circles  
832 because some believe it is a nefarious pay-for-play scheme.  
833 But I ask the committee this. Colleges compete for talented  
834 computer science and engineering students with scholarships,  
835 stipends, state-of-the-art labs, and research grants to

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836 attract the top student researchers to their schools. This  
837 Congress sends nearly \$100 billion a year to these colleges  
838 to fund this research. When intellectual property is  
839 developed and commercialized, student researchers share in  
840 these royalties. No one would ever say they were lured by  
841 pay-for-research, because in every other aspect of American  
842 life the expectation is that if you work hard, play by the  
843 rules, and create value, you deserve to share in that value.  
844 Why shouldn't this core American principle be true for  
845 college athletes?

846 The FAIR college sports Act imposes onerous regulations  
847 on third-party advertisers and small businesses for working  
848 with college athletes. Craig Brommers, chief marketing  
849 officer of American Eagle Outfitters, has said his company  
850 invests in NIL because it drives business results. This bill  
851 creates obstacles for what everyone considers to be true NIL.

852 According to Opendorse, over 80 percent of all NIL  
853 transactions are with brands and small businesses. This part  
854 of NIL grew by 220 percent last year. This bill contains  
855 registration fees, monthly reporting requirements, and the  
856 threat of FTC sanctions for advertisers like JPMorgan Chase,

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857 General Motors, State Farm, Amazon, and thousands of small  
858 businesses like college town restaurants that currently have  
859 NIL deals with athletes. In the supplemental materials I  
860 highlighted a sample of small businesses and large businesses  
861 negatively affected in each of the subcommittee member  
862 districts.

863 The FAIR college sports Act is especially harmful to  
864 women. Ninety-one percent of women's sports compensation  
865 comes from brands and small businesses, so this bill's  
866 regulatory requirements will hurt them the most. I have  
867 appeared in campaigns alongside UCLA gymnasts and Olympian  
868 Jordan Chiles with JPMorgan and Margzetta Frazier with  
869 Legalzoom, so I feel especially compelled to stand up for  
870 them.

871 I recommend committee members talk to title 9 pioneering  
872 UCLA legend Ann Meyers Drysdale about how proud she is of how  
873 women like Caitlin Clark and Angel Reese are using NIL to  
874 grow their sports. I am sure Representative Trahan, as a  
875 former college athlete, shares Ann's sense of pride.

876 No other industry's brand endorsers are subject to  
877 regulations like these. As a result of NIL, I have been



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878 blessed to work with range sports at Range Media Partners.  
879 The firm works with some of the biggest talent in Hollywood,  
880 music, and sports. Almost everyone on the roster has major  
881 brand sponsorships, but none of them are subject to the  
882 regulatory hurdles this bill would impose on college  
883 athletes.

884 This bill codifies an outdated NCAA business model that  
885 Supreme Court Justice Kavanaugh wrote would be flatly illegal  
886 in almost any other industry in America. If enacted, this  
887 bill would deprive another generation of athletes a proven  
888 and growing pathway to the American dream.

889 Mr. Chairman, although I strongly oppose this bill, I am  
890 still very optimistic because throughout my journey I have  
891 found that people really want to see college athletes win,  
892 not just on game day, but in life. And I hope you will keep  
893 these sentiments top of mind as you deliberate. Thank you.

894 [The prepared statement of Mr. Griffin follows:]

895

896 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

897

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898           \*Mr. Bilirakis. Thank you very much. And our next  
899 witness is Kaitlin "Keke" Tholl, a student athlete at the  
900 University of Michigan softball.

901           And I am not sure if you want to elaborate on that. No?  
902 Okay. Because you introduced her. All right, very good.

903           Okay, we will recognize you, ma'am, for five minutes.

904

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905 STATEMENT OF KAITLIN "KEKE" THOLL

906

907 \*Ms. Tholl. Subcommittee Chairman Bilirakis, Ranking  
908 Member Schakowsky, and members of the subcommittee, I would  
909 like to begin by expressing my gratitude for holding this  
910 hearing, and for the opportunity to be here in Washington to  
911 express my opinions on the ever-evolving landscape that is  
912 collegiate athletics, and a special thanks to Congresswoman  
913 Dingell, who represents the University of Michigan, for  
914 allowing me to share my Name, Image, and Likeness experience  
915 with all of you.

916 My name is Kaitlin Tholl, but most refer to me as Keke.  
917 I am a senior student athlete at the University of Michigan,  
918 where I am studying business at the Stephen M. Ross School of  
919 Business. I am a captain of the University of Michigan  
920 softball team, and I currently serve as vice president of the  
921 Student Athlete Advisory Committee. Additionally, I serve on  
922 the athletic department's Advisory Board for Intercollegiate  
923 Athletics. My testimony today represents my own personal  
924 experiences and opinions, and isn't reflective on my  
925 institution, my sport, my conference, or the NCAA.

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926 NIL became allowable by the NCAA at the start of my  
927 second year of college. At the start, the rules regarding  
928 NIL were vague and unclear. Conceptually, I felt NIL was a  
929 great opportunity for student athletes, but I feared doing  
930 something wrong and not even realizing it. There were  
931 several unknowns that emerged. How do I do taxes? Who do I  
932 report these things to? How do I know a company is a good  
933 company?

934 The spring of my sophomore year I felt comfortable  
935 signing a contract with a company called Blue By Ninety,  
936 which made customized merchandise for University of Michigan  
937 student athletes. The deal was very low maintenance, and the  
938 company I worked with made me feel valued. Yet even with the  
939 experience of one deal, I was hesitant to pursue anything  
940 much beyond this local opportunity. It felt like \_ I felt I  
941 could not handle the workload of softball, school, social  
942 life, and managing additional NIL opportunities.

943 Thankfully, the University of Michigan hired staff to  
944 support and educate student athletes in NIL, and U of M has  
945 identified institutional resources in a framework for student  
946 athletes to feel more confident stepping into the NIL space.

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947 For example, I have been able to work with the University of  
948 Michigan's Law School Entrepreneurship Clinic to have  
949 contracts reviewed and, in one case, renegotiated prior to  
950 signing NIL opportunities.

951 As student athletes we are not equipped to navigate  
952 legal battles with companies, nor are we likely financially  
953 able to do so. This is a significant risk in the NIL space.  
954 Thus, NIL education is a critically important consideration  
955 for student athletes who might not have the means to hire an  
956 agent.

957 As at the start of my college NIL experience, the rules  
958 regarding NIL remain vague and unclear. There are still  
959 critical questions and guardrails for Congress to consider.  
960 The variety of state laws and legislative proposals seem to  
961 address the use of NIL and recruiting differently, therefore  
962 allowing some institutions to bring up NIL with a recruit.  
963 My fear in this practice is around how promises to student  
964 athletes are being made.

965 And while I understand the notion that employment status  
966 for student athletes can mean the opportunity to share in  
967 revenue, there are significant concerns I don't fully

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968 understand the implication of: insurance, health care,  
969 retirement, minimum wage, unions, pensions, salary bands,  
970 human resources. Are student athletes at-will employees?  
971 Will scholarships be removed? What wage will be offered to  
972 pay for college? How will employees be taxed? Will the  
973 athletic departments match a 401(k) plan?

974 Finally, in the new NIL landscape, especially in regard  
975 to collectives, how does compliance with the principles of  
976 title 9 apply? No one seems to be sure, and thus no one is  
977 enforcing compliance. Women's sports has come so far, and  
978 yet I fear NIL can push us backwards.

979 The goal for Congress should be to ensure an even  
980 playing field for all institutions and protect all student  
981 athletes' well-being mentally, physically, and financially.  
982 Being able to get an education while playing a game that I am  
983 passionate about is what was and continues to be the most  
984 important to me.

985 I am one athlete of thousands of collegiate student  
986 athletes throughout the country. I know there are many  
987 voices that want and need to be heard. I would ask the  
988 Members of Congress before me today, how many athletes have

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989 you spoken with on this topic? I encourage you all to seek  
990 out more coaches and athletes as you work to shape  
991 legislation that ultimately has the college athletic  
992 experience top of mind.

993 Thank you again for inviting me to testify before you  
994 today so that my voice can be heard. I appreciate you  
995 allowing me the opportunity to begin a conversation which  
996 hopefully will create action and drive change.

997 [The prepared statement of Ms. Tholl follows:]

998

999 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1000

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

1001           \*Mr. Bilirakis. Thank you very much. The gentle lady  
1002 yields back. Our final witness is Dr. Victoria Jackson,  
1003 associate clinical professor of history at Arizona State  
1004 University.

1005           You are recognized for five minutes.

1006           \*Dr. Victoria Jackson. Thank you, good morning.

1007           \*Mr. Bilirakis. Good morning.

1008



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

1009 STATEMENT OF VICTORIA JACKSON

1010

1011 \*Dr. Victoria Jackson. Chair Bilirakis, Ranking Member  
1012 Schakowsky, and distinguished members of the subcommittee,  
1013 thank you for this opportunity to speak with you all. My  
1014 name is Victoria Jackson, and I am associate clinical  
1015 professor of history at Arizona State University. I am a  
1016 former college track and field athlete, national champ, and  
1017 retired professional runner. Now I teach sports history,  
1018 including a course on the history of American college sports.

1019 For my oral testimony I would like to highlight three  
1020 points, and I can answer questions about my written testimony  
1021 as well, of course. But first we are talking about many  
1022 different things when we say Name, Image, and Likeness, or  
1023 NIL, and I would like to tease out and make clear a couple of  
1024 key concepts.

1025 At its foundation, NIL restores to students who play  
1026 sports the economic rights of all students. When we talk  
1027 about categories of athlete compensation to play college  
1028 sports, two primary forms exist: subsidization, or payment  
1029 for athletes' grant-in-aid and expenses to attend a

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1030 particular school; and second, the market for talent or  
1031 payment for athletes to play for and remain with a particular  
1032 sports team.

1033         While we have lifted the restriction on athletes earning  
1034 money from third parties in some ways, we continue to treat  
1035 our sports teams \_ and therefore, our athletes \_ differently  
1036 from other educational programs and the students who  
1037 participate in them on our campuses.

1038         If a private citizen were to walk into a college's  
1039 orchestra summer camp and announce that she would be paying  
1040 for the college scholarships of every musician who wanted to  
1041 go to that school, and giving them generous stipends to boot,  
1042 she would be celebrated, and these musicians' lives would  
1043 likely forever be positively impacted. If this same private  
1044 citizen were then to walk over to the college's football  
1045 summer camp and announce that she would be providing the same  
1046 deal, this time for prospective football players, and still  
1047 including those generous stipends, compliance officials would  
1048 be parachuting in to stop what would be interpreted as an  
1049 extra benefit, or so-called unfair advantage, an NCAA rules  
1050 infraction.

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1051 I am joking about the acrobatic administrators, but not  
1052 about the rest.

1053 I am an educator, and what concerns me are the lessons  
1054 we have been providing college athletes, especially top-of-  
1055 pyramid football players, for decades about their worth. Our  
1056 policies and actions for too long have undervalued and even  
1057 have worked to undermine their exceptional talent. And that  
1058 means the system also has worked to prevent them from fully  
1059 grasping their sophisticated brilliance.

1060 The athletes in my hypothetical scenario would learn a  
1061 confusing lesson that has long been communicated to college  
1062 athletes, that some forms of talent are more respectable and  
1063 noble than others; that their earning money is wrong or bad  
1064 or seedy or greedy; or that they shouldn't want it because  
1065 some people say that money would make them care less about  
1066 school. This likely wouldn't have been a concern or critique  
1067 with the musicians. We tend to get tripped up when the  
1068 education program we are looking at is sports-related in U.S.  
1069 higher education policy.

1070 Second \_ and my next two points are not going to have  
1071 illustrative stories, I am going to stick to my time \_ we

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1072 must begin to tease out and optimize each of the varied  
1073 sports industries operating under the umbrella of college  
1074 sports. Some of these varied sports industries have been  
1075 more than only education programs for a very long time, of  
1076 course, and they serve different business ends and athlete  
1077 goals, and hold different missions.

1078         This process must be clinical and honest. Uniform  
1079 policies that treat all sports as the same and all athletes  
1080 as deserving of the same benefits mean that these various  
1081 sports industries contain design flaws that make the athlete  
1082 experience worse than what it could be, and encourages the  
1083 development of bizarre and even harmful business practices  
1084 because incentives are improperly aligned.

1085         At top-of-pyramid football schools, uniform policies  
1086 placed the burden of paying for other athletes' world-class  
1087 academic and athletic experiences onto football athletes. We  
1088 need to fix this.

1089         Third, I am excited that Congress and the NCAA are  
1090 embracing a much-needed national policy conversation on  
1091 college sports redesign. This moment is a great opportunity  
1092 to reimagine and get to work building what American college

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1093 sports can and should be. We must go big and be bold.  
1094 Fixing top-of-pyramid football will allow not only for  
1095 football athletes to get the better deal that they deserve,  
1096 but also for women's sports and Olympic sports to come out  
1097 from under the shadow of football and football policy.

1098 We must work in a manner that ensures that college  
1099 sports are actively engaged with the broader American sports  
1100 ecosystem. The Commission on the State of U.S. Olympics and  
1101 Paralympics has been hard at work on redesign, and I  
1102 encourage college sports leaders to join forces with them in  
1103 this effort. Higher education knows how to innovate and  
1104 unleash creative solutions to complex problems. Fixing  
1105 football frees us up to reimagine all of college sports. I  
1106 see great opportunity to build a new model for sports on  
1107 college campuses, one that is less dependent on football  
1108 money, and one that provides more, not less, sports and  
1109 participation opportunities in our communities.

1110 Thank you for your time. I look forward to continuing  
1111 this conversation.

1112 [The prepared statement of Dr. Victoria Jackson  
1113 follows:]

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1114

1115 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1116

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1117           \*Mr. Bilirakis. Thank you so very much, and I will  
1118 begin now with the questioning, and I will recognize myself  
1119 for five minutes. The first question is for President  
1120 Governor Baker.

1121           Thank you for being here again, and thank you for your  
1122 testimony. You specifically mentioned the importance of  
1123 recognizing the unique status that student athletes have, and  
1124 affirming that they are not employees of an institution,  
1125 which would adversely impact our Olympic sports pipeline and  
1126 the opportunities available for under-resourced schools.

1127           Can you elaborate on what is at stake for preserving  
1128 amateur status for college athletes \_ athletics for smaller  
1129 schools such as Historically Black Colleges and Universities  
1130 and Division 2 and Division 3 schools? If you could  
1131 elaborate on that, I would appreciate it.

1132           \*Mr. Baker. Sure, thank you very much for the question.  
1133 One of the things that was in the original Project D1 memo  
1134 that we sent out was a breakdown of \_ across all three  
1135 divisions of how resources are generated by grouping. And if  
1136 you look at that proposal, or that sort of layout of that,  
1137 you discover that there are 1,100 schools that provide sports

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1138 to their students. And of those 1,100 schools, less than 100  
1139 of them spend more than \$50 million on sports, and the vast  
1140 majority of them spend less than 25. And a really  
1141 significant portion of them spend less than 15.

1142         And I think this issue gets lost sometimes in the larger  
1143 conversation about college sports. I think all of us believe  
1144 \_ and my D1 proposal proposed \_ that schools in Division 1  
1145 should have the capacity and the ability to do more to  
1146 support their student athletes. Schools in Division 2 and  
1147 Division 3 should also have the ability to do that. But if  
1148 you convert all of college sports into employment, there is  
1149 simply no doubt, based on math, they will lose an enormous  
1150 number of student athlete opportunities across all three  
1151 divisions, because the money is just not there.

1152         Most schools lose money on sports, even in D1. They  
1153 offer the programing because it is good for student athletes,  
1154 because it is good for alumni, because it is good for the  
1155 schools, and it creates identity in many cases in those  
1156 communities that Congresswoman Dingell talked about, where  
1157 those schools, in many cases, are the brand and the identity  
1158 of those communities that they operate in.



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1159           The big difference between those \_ call it those top 50,  
1160 60, maybe 70 schools and the other 1,000 schools we are  
1161 talking about is the TV piece, and the fact that they can  
1162 attract 100,000 people to attend a sports event like a  
1163 football game. They are unique and different, which is why  
1164 we also proposed in our D1 Project proposal the idea of  
1165 creating some sort of subdivision that thinks differently  
1166 about how they are regulated and how they are managed.

1167           But the simple truth is if you convert all those student  
1168 athletes who currently benefit from scholarships, who  
1169 currently benefit from a whole series of other mechanisms  
1170 that schools make available to them to enhance their  
1171 educational experience, you are just going to lose an  
1172 enormous \_ an enormous \_ part of what college sports looks  
1173 like right now.

1174           \*Mr. Bilirakis. Thank you, Mr. President. I wish I had  
1175 more time.

1176           \*Mr. Baker. Things just wouldn't \_

1177           \*Mr. Bilirakis. This is really \_

1178           \*Mr. Baker. I was just going to add one more point,  
1179 which is that \_

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1180           \*Mr. Bilirakis. Yes.

1181           \*Mr. Baker. Congresswoman Dingell talked about the fact  
1182 that at the end of the day here, whatever we do needs to work  
1183 for all of college sports. I agree with that.

1184           \*Mr. Bilirakis. Yes.

1185           \*Mr. Baker. I don't think employment works for all of  
1186 college sports, and I think the math in this particular case  
1187 is pretty clear.

1188           \*Mr. Bilirakis. I appreciate it very much.

1189           Commissioner Jackson, I am appreciative of your  
1190 partnership and feedback on my draft legislation. You  
1191 represent a conference, the Valley, that is mainly comprised  
1192 of smaller schools that don't generate the type of revenue or  
1193 resources through athletics that others, such as the Power  
1194 Five Conferences, generate.

1195           Can you explain the economics of your programs, such as  
1196 how revenues from football are used and how, in some cases,  
1197 tuition dollars are used?

1198           Can you highlight the reforms in the FAIR college sports  
1199 Act needed to protect the current model?

1200           \*Mr. Jeff Jackson. Thank you, Chairman Bilirakis.

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1201           In the Missouri Valley Conference the average athletic  
1202 budget is somewhere between 20 and \$30 million. Most of our  
1203 budget is derived from student fees in terms of our student  
1204 population on campus, and we are in a situation when we go to  
1205 the table for broadcast agreements, we are not having  
1206 conversations in the millions and millions of dollars that  
1207 you hear in some of the A5 conferences.

1208           So we are pretty much a money-in/money-out operation.  
1209 Our schools do not generate any significant revenue except in  
1210 one sport. And because of that, the revenue that is earned  
1211 in that sport is dispersed to help support the other sports  
1212 that they have on their campuses. We would not be able to  
1213 exist in a model, at least in the way that we are now, in  
1214 which student athletes were employees or we did not have some  
1215 safeguards and rails around NIL.

1216           \*Mr. Bilirakis. Thank you very much, sir. I appreciate  
1217 it very much.

1218           \*Mr. Jeff Jackson. I am sorry.

1219           \*Mr. Bilirakis. I have got to yield five minutes to the  
1220 ranking member of the subcommittee, Ms. Schakowsky.

1221           You are recognized.

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1222           \*Ms. Schakowsky. Thank you, Mr. Chairman.

1223           If I could start just briefly on a personal note, Keke,  
1224 my granddaughter, who graduated from Kalamazoo College, was a  
1225 superstar in softball. I just want to say. Did you ever  
1226 hear of her, Mary Hart? She was fantastic. Anyway, and that  
1227 was a great experience.

1228           On a less personal note, Mr. Griffin, I wanted to ask  
1229 you if you could talk a bit about how NIL has been an  
1230 important feature in your life. And I know you mentioned it,  
1231 but if you could, talk about how the draft bill would  
1232 actually restrict your NIL opportunities.

1233           \*Mr. Griffin. Thank you for the opportunity to speak on  
1234 this.

1235           NIL has afforded me the ability to truly have a  
1236 cumulative education while still in college. Every other  
1237 student, when they get to campus, they are meeting their  
1238 clique that they are going to end up building their company  
1239 with, they are interning, they are utilizing their value that  
1240 they create by being themselves to capitalize on that and  
1241 practice that. And college athletes being added into that  
1242 fold puts us on a level playing field.

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1243           Personally, I have been able to build out a consulting  
1244 business, a marketing service to Fortune 500 companies, and I  
1245 have been able to build out my pathways in other endeavors  
1246 that I do such as investing or music.

1247           I think college athletes always have more to them than  
1248 their sport, and NIL gives them a chance to practice  
1249 capitalizing on that value while they are still in college.

1250           \*Ms. Schakowsky. And what are the ways that the  
1251 legislation that has been proposed would actually not help  
1252 what you want to do?

1253           \*Mr. Griffin. I think legislation would be over-  
1254 regulation that would discourage some of these companies that  
1255 have been taking pride in investing in college athletes to  
1256 not do so anymore, just out of sheer \_ it not being  
1257 convenient, where they, instead of going to an athlete and  
1258 having to register for a database or be monitored by a  
1259 bureaucracy, being able to go directly to other influencers  
1260 that don't have that same setup around them. This is a very  
1261 unique set of rules and guidelines and restrictions that  
1262 other advertisers, other people who would provide these  
1263 advertisement services would not have to go through.

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1264           \*Ms. Schakowsky. Thank you.

1265           And now for Dr. Jackson, I wanted to ask you a question,  
1266 and I appreciate your participation. I wanted to ask you, in  
1267 its current form, if you believe that this draft bill  
1268 actually does enough to support college athletes and, if not,  
1269 what kind of suggestions might you have to do better?

1270           \*Dr. Victoria Jackson. Well, I have heard that NIL \_  
1271 that this is an unsustainable business model. But college  
1272 sports has been an unsustainable business model, particularly  
1273 at the top tier, for a very long time. And this moment in  
1274 2021, when the restriction on athletes being able to make  
1275 money from third parties was lifted, was in reaction to  
1276 things that had been happening in response to those  
1277 unsustainable business practices that caused harm on  
1278 athletes.

1279           I have been thinking a lot about why I oppose elements  
1280 of this bill, and the first is that it is too narrowly  
1281 focused. It places unnecessary restrictions on athletes. It  
1282 contains elements that would be impossible to execute. It  
1283 closes the door on the redesign possibilities, others that  
1284 are out there, without exploring them or giving them a

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1285 chance. It does not address the broader systemic issues that  
1286 need to be fixed or address, again, why this restriction was  
1287 lifted in the first place. And it seems to be just  
1288 perpetuating the monitoring and policing of athletes that so  
1289 needs to be addressed and halted to begin with.

1290 \*Ms. Schakowsky. Well, I appreciate your input. And as  
1291 we move forward I want to take into consideration the issues  
1292 that you have raised.

1293 And with that I yield back my time.

1294 \*Mr. Bilirakis. I thank the gentlelady. I now  
1295 recognize the chairman of the full committee, Mrs. Cathy  
1296 McMorris Rodgers, for her five minutes.

1297 \*The Chair. Thank you, Mr. Chairman.

1298 Meredith, thank you for being here and for sharing your  
1299 experience with us. You play at Radford University, a mid-  
1300 major university in the Big South Conference. Gonzaga  
1301 University, which is a mid-major university in my district,  
1302 competes with the best of the best, despite being relatively  
1303 small-sized. What does the phrase "pay for play" mean to  
1304 you?

1305 \*Ms. Page. Thank you so much for your question. I

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1306 think that pay for play is directly in the name. It is when  
1307 an institution can directly compensate the student athlete.  
1308 I am all \_ I think NIL is a wonderful opportunity. It is the  
1309 fruit of our labors. It is a perk of the student athlete  
1310 experience. But when you get into employment, into pay for  
1311 play, and not have \_ and having a lack of a Federal standard,  
1312 I really think that it is very detrimental for mid-majors  
1313 like us, like Radford, like Gonzaga.

1314 So pay for play, I think, is when institutions are  
1315 directly compensating for athletic participation.

1316 \*The Chair. Thank you. Would you talk just a little  
1317 bit more about the level of competition at the mid-majors,  
1318 and how you see pay for play impacting your ability to  
1319 compete with larger universities?

1320 \*Ms. Page. Absolutely, thank you. I think that when  
1321 you put in pay for play, it just widens the gap even more.  
1322 Mid-majors, we have excellent competition. We have excellent  
1323 \_ we just have excellent competition, excellent players,  
1324 people that are, honestly, poached, you know, for higher  
1325 universities.

1326 So having access to that competition whenever \_ excuse



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1327 me, having access to the higher playing field, to higher  
1328 teams \_ for example, Radford University, we beat Rutgers my  
1329 sophomore year. So having that access to that higher  
1330 education \_ or, excuse me, higher competition \_ is really  
1331 important to not only just the entirety of college athletics  
1332 as an environment, but also just for the integrity of college  
1333 sports itself.

1334 \*The Chair. Thank you, thank you.

1335 President Baker, thank you for being here. Like Chair  
1336 Bilirakis, I appreciate your efforts to enhance student  
1337 athlete safety and welfare. It has been a long time coming,  
1338 and I was pleased to see the NCAA adopting registration and  
1339 disclosure requirements similar to those that are seen in the  
1340 discussion draft.

1341 At the same time, some of your recent proposals, such as  
1342 allowing schools to directly sign NIL agreements with their  
1343 student athletes and for the increased payment of enhanced  
1344 educational benefits, also known as Alston Payments, raises  
1345 some questions.

1346 President Baker how do these changes not incentivize pay  
1347 for play?

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1348           \*Mr. Baker. Well, part of the reason we made those  
1349 proposals was to give the opportunity to make title 9 a much  
1350 more relevant element in what is currently going on in the  
1351 broader environment around mostly more highly-resourced  
1352 institutions.

1353           And I think one of the great challenges we have is  
1354 people don't know that much about what is going on with  
1355 collectives, but it is pretty clear that 90 percent-plus of  
1356 the money that collectives are spending are going to men, and  
1357 those collectives in many cases have relationships that are  
1358 either indirect or \_ more indirect or more direct with the  
1359 institutions that they are supporting. And if NIL \_ if  
1360 schools had the ability to buy NIL rights without creating an  
1361 employment relationship, it would be much more accommodating  
1362 and, frankly, probably more legally feasible to ensure that  
1363 there was more investment being made in women athletes, which  
1364 I think is one of the big concerns a lot of us have.

1365           We have made tremendous progress over the course of the  
1366 past 50 years in growing a vibrant and expanding women's  
1367 sports community in college, and I worry a lot that if we  
1368 don't do something that makes this much more explicit and

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1369 puts it in a place where title 9 actually becomes real and  
1370 important, we could end up seeing significant amounts of  
1371 money being spent on men. I am a man, what the heck? But  
1372 there needs to be balance there.

1373 \*The Chair. Thank you, thank you.

1374 \*Mr. Baker. And I think one way to create that balance  
1375 is to get the schools more involved in it.

1376 \*The Chair. Thank you. I appreciate that, and I  
1377 definitely agree with the goal of protecting women's sports.

1378 I also want you to address, though, the balance with the  
1379 smaller schools. So how will this impact smaller schools  
1380 that may not be able to afford the increased Alston Payments?

1381 \*Mr. Baker. I think part of the \_

1382 [Audio malfunction.]

1383 \*Mr. Baker. We are going to take the current  
1384 constraints that exist within NCAA policy off, and then let  
1385 schools make decisions about how they think they can go about  
1386 best supporting their student athletes \_

1387 \*The Chair. Okay.

1388 \*Mr. Baker. \_ and do it within the framework of title  
1389 9.

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1390           \*The Chair. Okay. Dr. Jackson, do you care to respond?

1391           \*Mr. Jeff Jackson. Yes, and I agree with President  
1392 Baker. The idea in my mind of separation, there is already  
1393 differences in amenities on campuses, okay? If you go to the  
1394 University of Washington, you look at their men's basketball  
1395 or women's basketball facilities, it is going to be different  
1396 than some of the institutions that play in my conference.

1397           What is important to my conference is access to  
1398 competition, the ability to feel that their athletes can  
1399 fairly compete for championships throughout the entire gambit  
1400 of the NCAA space. And that can happen even though there may  
1401 be rules that are different for certain institutions, because  
1402 I am not sure that those differences and those rules are  
1403 going to separate in such a fashion that we will not find  
1404 ways to compete.

1405           I think the important thing is that there is clarity  
1406 about what those rules are, and that the rules do not bleed  
1407 into inducement, into a circumstance where we don't have  
1408 transparency so that student athletes don't have the ability  
1409 to assess and fully understand what is transpiring.

1410           \*The Chair. Thank you. Thank you all for being here.

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1411 I have more questions, but I have run out of time.

1412 I yield back.

1413 \*Mr. Bilirakis. I thank the gentlelady. Now I will  
1414 recognize the gentlelady from Florida, Ms. Castor, for her  
1415 five minutes.

1416 \*Ms. Castor. Well, thank you, Mr. Chairman, for calling  
1417 this hearing, and thank you to all of our witnesses for your  
1418 outstanding testimony. I also want to focus on inducements  
1419 and pay to play, and then hopefully some title 9 questions if  
1420 I have time.

1421 Now, recruiting has been a part of college sports for a  
1422 very long time. And Professor Jackson, in your testimony you  
1423 identified how inducements have long been the heart of  
1424 college athletic recruiting. Universities spent about \$325  
1425 million on recruiting during the 2020, 2021, 2022 school  
1426 year. Division 1 institutions spend more on recruitment than  
1427 on medical care for student athletes. And then, in addition,  
1428 Commissioner Jackson, you are right, a lot of the top  
1429 athletic programs really have lavish athletic facilities that  
1430 a lot of our smaller institutions simply can't afford.

1431 But now NIL has kind of changed the dynamic on

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1432 recruitment. It has kind of put more power into the hands of  
1433 these student athletes. They can decide, based on NIL, where  
1434 the best place for their academic, athletic, and professional  
1435 pursuits will be.

1436 But at the same time, these collectives now have really  
1437 confounded what has been \_ what we hope for for college  
1438 athletics: generally a level playing field, but empowerment  
1439 of students. And Commissioner Jackson, you said \_ you even  
1440 used the word "fraud" in some cases.

1441 So I will start with Professor Jackson. The discussion  
1442 draft bans NIL agreements that can be construed as an  
1443 inducement to attend an institution of the athlete's  
1444 choosing. What effect would such a prohibition have on  
1445 college athletes' newfound NIL rights, but then how do we  
1446 balance that to root out fraud and over-reaching, and some of  
1447 the misplaced incentives based on NIL?

1448 \*Dr. Victoria Jackson. I agree with you. I mean,  
1449 inducements are hard to capture, and inducements are  
1450 everywhere. Everything is inducement. NIL is, to a certain  
1451 degree, just one of many factors that, you know, prospective  
1452 athletes are considering when they are choosing where to go

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1453 to college, and \_ I lost my train of thought.

1454 \*Ms. Castor. Well, then, let me go to \_

1455 \*Dr. Victoria Jackson. Recruiting. So recruiting  
1456 spending \_ if we are talking about gender equity in all of  
1457 this, too, you know, recruiting spending has been in a ratio  
1458 of four to one \_ five to one, even, at most schools. And  
1459 that is because of football.

1460 This system, if we decide to come up with rules around  
1461 it and not pursue a different model, seems like a lot of  
1462 work. Joe Nocera, you know, trying to kind of entrench and  
1463 codify and regulate this underground market, seems like a lot  
1464 harder than entering into negotiations with groups. And \_

1465 \*Ms. Castor. Well, let me ask Ms. Tholl.

1466 From the student perspective, how do we balance those  
1467 considerations, making sure that student athletes are the  
1468 ones who benefit, that they are making decisions, but  
1469 addressing maybe instituting some guardrails on these  
1470 collectives and the enormous sums of money?

1471 \*Ms. Tholl. Yes, for sure. Something that worries me  
1472 about collectives is \_ President Baker was talking about it \_  
1473 is a lot of these collectives' money is going to men.

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1474           And for example, at the University of Michigan we have  
1475 an official partner of a collective. Now, they don't see any  
1476 of their funds or anything that is in there. So at Michigan  
1477 we don't \_ we can't use NIL to recruit. But a lot of  
1478 universities are doing it. And what I fear is that these  
1479 collectives are promising money to these students, and then  
1480 those students get to those universities and there is no  
1481 money left.

1482           So at that point, that is where the fraud comes into  
1483 play, and that is where I agree that collectives do need to  
1484 try to work with universities because then universities can  
1485 have access to bank statements and what money they actually  
1486 have behind it so these student athletes don't come into  
1487 universities thinking they are getting all this money, or  
1488 maybe that money they are sending home to their families  
1489 because they really need it, and they come in and now they  
1490 are in debt because they have to take out loans.

1491           \*Ms. Castor. Commissioner Jackson, where is the  
1492 balance?

1493           \*Mr. Jeff Jackson. You know, it is interesting. I  
1494 think you have got to separate the two terms. Inducement and



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1495 NIL are not the same things.

1496           When I listen to Mr. Griffin, what I hear him espousing  
1497 is NIL. I hear him talking about taking advantage of his  
1498 hard work, his entrepreneurial spirit, and trying to figure  
1499 out ways to make money to make his life easier, or maybe fly  
1500 his family out of \_ all the different things that he talked  
1501 about that was beneficial. That is not inducement; that is  
1502 NIL. And we want everybody to be able to take advantage of  
1503 that. In our conference and the conference he plays in, that  
1504 is a huge thing.

1505           Inducement changes the paradigm drastically in how all  
1506 of us would interact with our student athletes. It is very  
1507 important to understand that, as much as we want to see  
1508 student athletes' success, the NCAA is a vehicle that offers  
1509 those opportunities of success. If you don't have certain  
1510 rules that allow people to operate under the same umbrella,  
1511 you could lose that vehicle. And in order to create  
1512 opportunities for a very small few, I don't want to put the  
1513 large, giant share of student athletes who have benefitted,  
1514 just like myself, from a student athlete experience because  
1515 we are concerned about setting up rules and regulations that

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1516 we would probably do in any other circumstance when we were  
1517 talking about protecting 17 to 24-year-olds.

1518 \*Ms. Castor. Thank you.

1519 I yield.

1520 \*Mr. Bilirakis. Thank you. I appreciate it very much,  
1521 and the gentlelady yields back. Now I will recognize Dr.  
1522 Bucshon for his five minutes.

1523 \*Mr. Bucshon. Thank you, Mr. Chairman, for calling  
1524 today's hearing. It is \_ this is very important. Everybody  
1525 and the public is talking about it, of course, all the  
1526 challenges that we face.

1527 I support NIL. I think, clearly, in my view,  
1528 historically \_ and I think Governor Baker would probably  
1529 agree \_ the NCAA has been slightly behind the changes needed  
1530 to assist student athletes, ultimately leading to the  
1531 appropriate legal cases which we know set precedent, and now  
1532 the Wild West atmosphere that is NIL and the transfer portal.

1533 Southwest and west central Indiana is home to a number  
1534 of universities with athletic programs ranging from D3  
1535 schools like Rose-Hulman to D1 schools like University of  
1536 Southern Indiana, as well as Indiana State and University of

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1537 Evansville that are part of the Missouri Valley Conference.

1538 I am very happy to see Commissioner Jeff Jackson before  
1539 us today to speak about how this issue impacts athletes at  
1540 mid-sized schools and non-revenue-generating programs. That  
1541 is key.

1542 The discussion draft before us today includes many  
1543 positive provisions that will protect the student athlete  
1544 model that enables so many young people to attend a  
1545 university and compete at the highest levels of their sport.  
1546 This includes additions stipulating that the student athletes  
1547 are not employees of the university.

1548 The ranking member mentioned Northwestern University. I  
1549 was at that hearing, the Education and Workforce hearing  
1550 probably over a decade ago. And out of the result of that it  
1551 became very clear, at that time at least, that making student  
1552 athletes employees was something that was essentially  
1553 untenable, and not be able to accomplish without severely  
1554 damaging the future of college athletics. And it relates to  
1555 the fact that many universities said that they would drop  
1556 their entire athletic program if this were to happen. Look  
1557 at all the opportunities lost, and Governor Baker outlined

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1558 some of that.

1559 Do we need our scholarships taxable? What is the tax  
1560 implications and the other financial implications of being an  
1561 employee? They are vast. There is labor law there.

1562 Do we need a national workman's comp program? Each of  
1563 the states are different. These are just some of the  
1564 challenges.

1565 So we need to work within a framework, in my opinion,  
1566 that really makes it so the student athletes can take  
1567 advantage of their skills. But we got to be very careful  
1568 here.

1569 Commissioner Jackson, are there any changes or  
1570 additional information that would be \_ that should be  
1571 included in the USIAC public database that would help student  
1572 athletes have a clearer picture of their NIL worth?

1573 \*Mr. Jeff Jackson. You know, I think it is very  
1574 important with that database that we adhere to a system of  
1575 anonymity.

1576 You know, I am not looking to find out names. I am not  
1577 looking to find out so much specificity that people get  
1578 uncomfortable with participating in that venue. I think

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1579 having transparency, I think having more conversations about  
1580 some of the nuances that are going to be there are paramount.  
1581 But we are just trying to collect data so that we can have an  
1582 understanding and, maybe more importantly, our student  
1583 athletes can have an understanding of what their true value  
1584 is, and that we now have some clarity in terms of making sure  
1585 that, as institutions and as an overall organization, we can  
1586 do a better job of protecting them.

1587       \*Mr. Bucshon. Thank you. And also, I know your  
1588 feedback to the initial draft of the FAIR College Sports Act  
1589 you mentioned that the addition of a de minimis threshold for  
1590 NIL deals would help protect athletes and prevent them from  
1591 having to constantly enter NIL agreements for minor things  
1592 like a local hamburger ad, TV ad or something, and just for  
1593 almost everything they would have to enter into some sort of  
1594 an agreement.

1595       Can you \_ do you think the current draft de minimis  
1596 threshold will accomplish that?

1597       And are there other forms of in-kind compensation  
1598 exemptions that this committee should be thinking about to  
1599 protect student athletes?

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1600           \*Mr. Jeff Jackson. When I read the draft, that is part  
1601 of what still needs to be decided is what that threshold is  
1602 going to be. But we certainly would want that type of  
1603 threshold because, in a conference like ours, a lot of the  
1604 NIL activity \_ and matter of fact, early on, Mr. Griffin was  
1605 referring to this \_ it is a gift in kind. It is the  
1606 opportunity to take advantage of NIL without a lot of a  
1607 convoluted or cumbersome process.

1608           And I do think there is a number that \_ where you have  
1609 athletes who can do certain things that, again, they are not  
1610 going through 20 pages or whatever the paperwork is going to  
1611 be \_

1612           \*Mr. Bucshon. Right.

1613           \*Mr. Jeff Jackson. \_ because it is not a number that  
1614 rises to a concern in terms of having fair competition across  
1615 the plains.

1616           \*Mr. Bucshon. Understood.

1617           \*Mr. Jeff Jackson. So I do think you want to have a  
1618 number like that. I think it is up to that committee and a  
1619 lot of good minds to decide what that number is.

1620           \*Mr. Bucshon. Governor Baker, I see you shaking your

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1621 head. You have some \_ a comment to make on that issue?

1622 \*Mr. Baker. I was just going to say that I agree  
1623 completely that there should be some de minimis number in  
1624 there for exactly the reasons that the commissioner  
1625 discussed.

1626 \*Mr. Bucshon. Okay, great. Thank you. Thanks for all  
1627 of our witnesses. This is an interesting but very, very  
1628 important subject for our entire society, honestly.

1629 Before I yield back I would like to enter a letter from  
1630 the Uniform Law Commission supporting this committee's work  
1631 on the FAIR College Sports Act and the general importance of  
1632 enacting a uniform set of rules for NIL. I would like to  
1633 submit that for the record, Mr. Chair.

1634 \*Mr. Bilirakis. So ordered, without objection, so  
1635 ordered.

1636 [The information follows:]

1637

1638 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1639

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1640 \*Mr. Bucshon. Thank you, I yield back.

1641 \*Mr. Bilirakis. Thank you, thank you.

1642 All right, now we start with the Wolverines back to  
1643 back. I am going to recognize the gentlelady from Michigan,  
1644 Mrs. Dingell, for her five minutes of questioning.

1645 \*Mrs. Dingell. Thank you, Mr. Chairman, and thank you  
1646 to all of the witnesses today.

1647 You all offer very important perspectives as college  
1648 sports continues to grow and evolve, and we really need the  
1649 input of all the perspectives.

1650 As I said at the top of this hearing, we are here today  
1651 to discuss the national NIL framework. And there is a lot of  
1652 work that remains to be done before any proposal can earn my  
1653 full support, or probably many on this committee. And as my  
1654 Republican colleague just said, I know not everybody  
1655 understands how important sports is to many of our  
1656 communities, but it is, and it is important, really, to the  
1657 future of so many young people.

1658 I am concerned that this draft shuts down the debate on  
1659 athlete employment status and revenue sharing. But the chair  
1660 has made it clear we are going to keep talking. It also



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1661 provides an antitrust exemption, which would allow the NCAA  
1662 and member schools and conferences to come together to  
1663 artificially limit how athletes can brand themselves and how  
1664 much money they can receive.

1665 We need to make sure we are looking out for the college  
1666 athletes, and not those making off the pain, the sweat, and  
1667 the tears of the athletes. As we move forward in this  
1668 process, it is important that we include health, wellness,  
1669 and safety guarantees. We need to strengthen title 9,  
1670 improve the equity for NIL, and ensure collective schools and  
1671 conferences do a better job of spreading the wealth.

1672 In addition, I want to make sure that any governing body  
1673 that oversees the NIL has representation from the athletes.  
1674 But now let me turn to some specific questions.

1675 Ms. Tholl, can you discuss your experiences as a college  
1676 athlete with NIL on the rise?

1677 How have things changed since you started college to  
1678 where you are today?

1679 And I think it would be beneficial for members of this  
1680 committee to hear you elaborate on what you think NIL's  
1681 successes have been and challenges are, and what you view the

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1682 path going forward to be.

1683 \*Ms. Tholl. For sure, thank you for the question. So  
1684 my NIL experience overall has been a great experience. I  
1685 have enjoyed it. It has been something that has been low  
1686 maintenance for me, and I think that has been the best part.  
1687 You do have people that are making content every day and that  
1688 is great, and they are going out and building their brand and  
1689 making money for themselves. And I think that is an awesome  
1690 opportunity that student athletes get to do that, because we  
1691 do put so much work into our sport, and it is great for  
1692 people to recognize us outside of our sport and who we are as  
1693 people.

1694 I do think at the start of NIL I was very nervous and  
1695 hesitant to get into it. I didn't know the rules. They are  
1696 very vague, unclear. There wasn't a ton of help from  
1697 institutions because they really do have to be hands off, the  
1698 way that legislation is written. And as NIL has become a  
1699 little bit more familiar to me, I have been a little bit more  
1700 confident reaching out to companies and working with people.  
1701 But I give a lot of thanks to our athletic department because  
1702 they have been able to set up information sessions and

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1703 workshops, and finding ways for us to work with people so I  
1704 don't get caught in a situation where I am taken advantage  
1705 of. And I have had that situation, and I was able to  
1706 renegotiate and get myself out of it because of all the  
1707 resources that we have.

1708           But I understand that that is not the case at every  
1709 university, and that needs to be the case at every  
1710 university. Every university needs to have education. These  
1711 student athletes sometimes are going in blind, and they just  
1712 see money, and they just run for it. And they are getting  
1713 themselves in situations that sometimes you can't come back  
1714 from.

1715           And that leads me to the guardrails. I think there  
1716 needs to be education put in place for these student athletes  
1717 so they understand and they realize the importance.

1718           I also think there needs to be education around taxes.  
1719 I mean, some of these student athletes are making so much  
1720 money, and they don't realize that they have to report all  
1721 this stuff and who they have to report it to. And I just  
1722 think it is important that we educate all student athletes on  
1723 this.

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1724           But then I pass it off to the coaches. They are  
1725 struggling right now with recruiting purposes. And trying to  
1726 get student athletes to come is really hard, because you are  
1727 not supposed to use NIL for inducement to get people to come,  
1728 but it still happens. And the way legislation is written in  
1729 certain states, some universities have the opportunity to  
1730 find a loophole in the writing and talk to these student  
1731 athletes and promise things. And then those student athletes  
1732 get there and the money is not there.

1733           And that is, like, my biggest fear, is you come to  
1734 college for your education, and your parents send you off to  
1735 these universities, and they are supposed to take care of  
1736 you, and you are supposed to have a coaching staff that you  
1737 adore and love. And then it is upsetting when you have a  
1738 collective that doesn't \_ isn't loyal, and is fraud, and it  
1739 is disheartening. I don't want to see that happen to student  
1740 athletes, and it is going to change college athletics and  
1741 professional sports. And I fear that because Olympic sports,  
1742 a sport like mine, will get left behind, women's sports will  
1743 get left behind. And that is something I fear and I really  
1744 want us to fight for.

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1745            \*Mrs. Dingell. Thank you, Mr. Chairman. I am going to  
1746 be out of time, so I have more questions for all the  
1747 witnesses and I will submit them for the record.

1748            [The information follows:]

1749

1750            \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1751

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1752            \*Mrs. Dingell. Thank you. That was just an honest  
1753 answer. Thank you.

1754            \*Mr. Bilirakis. The gentlelady yields back. Now I will  
1755 recognize the gentleman from Michigan, my good friend Mr.  
1756 Walberg, for his five minutes of testimony.

1757            And you got it half right. You said Go Blue. I say Go  
1758 Orange and Blue.

1759            [Laughter.]

1760            \*Mr. Walberg. Everybody is jealous, and because of  
1761 that. And you know, in spite of the fact that University of  
1762 Michigan never offered me a wrestling scholarship \_ and they  
1763 shouldn't have \_

1764            [Laughter.]

1765            \*Mr. Walberg. And no one should have ever paid for my  
1766 name, image, and likeness, I got to say, Go Blue, Go Blue.  
1767 And it is great to be part of national champions. Take that,  
1768 Clemson. Okay.

1769            Governor Baker, thank you for being here, as well. You  
1770 state in your testimony that college athletics provide a way  
1771 for young adults to chase their athletic dreams while  
1772 simultaneously achieving a college education. I couldn't

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1773 agree more. You also mentioned in your testimony about  
1774 preserving the Olympic pipeline. Now, according to the NCAA  
1775 annual reporting, since 2015 the number of international  
1776 student athletes competing in collegiate sports here in the  
1777 United States has increased approximately 35 percent to  
1778 24,000 students in 2022.

1779 The concern that I hear from constituents is that the  
1780 cost of college education continues to go up, and more and  
1781 more American students are struggling to find a path to  
1782 achieve a college education. I have heard the stories of  
1783 athletically gifted students working hard, and their families  
1784 making huge sacrifices in hopes that they will have that  
1785 opportunity that comes through competition in collegiate  
1786 sports. Sadly, when they go through the recruiting  
1787 processes, they discover that they are not just competing  
1788 against other American qualified students, but the world.

1789 And so my question, Governor Baker, why do you think  
1790 more international athletes are being recruited to our  
1791 collegiate sports?

1792 And do you think this disadvantages Americans'  
1793 competitive edge in the Olympics that you talked about?

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1794           \*Mr. Baker. So first of all, thank you for the  
1795 question. And I guess I would start by saying that one of  
1796 the reasons why NIL is so important to student athletes  
1797 generally is the rise of social media and the access people  
1798 have to information.

1799           And I agree completely with what Commissioner Jackson  
1800 said about what Mr. Griffin has been up to. He is literally  
1801 the walk and talk and breathing example of what NIL was  
1802 supposed to be, and in many cases can be and still is.

1803           I think part of the answer to your question,  
1804 Congressman, comes back to my opening remarks when I said  
1805 that college sports is uniquely American, and one of the most  
1806 powerful human potential development programs anywhere in the  
1807 world. Other people figure that out. And part of the reason  
1808 why we have seen a growth in international student athletes  
1809 is, A, the world got smaller because of all the issues  
1810 associated with access to information and everything else;  
1811 and, B, there is nothing like this anywhere else in the  
1812 world. And if you are in most other parts of the world, the  
1813 idea that you could get a world-class education and have a  
1814 chance to master your athletic craft at the same time, it is



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1815 just very hard to find that.

1816 And I think the \_

1817 \*Mr. Walberg. Yes, I get that, I get that, but I also  
1818 think about the American student who wants a pathway to the  
1819 Olympics, as well.

1820 \*Mr. Baker. Yes.

1821 \*Mr. Walberg. And you have a situation where, for  
1822 instance, Michael Phelps, one of his records was broken by a  
1823 French swimmer who is being trained at Arizona State  
1824 University, and that has impacts down the line.

1825 \*Mr. Baker. Yes. Let me just offer two thoughts on  
1826 that.

1827 One is the 18-year-old population in this country has  
1828 been declining since 2010, and is expected to continue to  
1829 decline as far into the future as people calculate this. So  
1830 the presence of more international student athletes in this  
1831 country and more international students generally doesn't  
1832 necessarily mean that they are "competing" for slots with  
1833 existing American students because we have far fewer American  
1834 students today than we had 15 years ago, and we are going to  
1835 have far fewer 15 years from now just because of the decline

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1836 in that population. And that means that, for many schools,  
1837 the opportunity to include international students as part \_  
1838 and student athletes as part of their student body actually  
1839 makes it possible for them to continue to pay their bills and  
1840 operate.

1841 The one other thing I would just say is I think the \$4  
1842 billion that schools provide in scholarships, which we never  
1843 talk about, is an enormous piece of the benefit that schools  
1844 bring and that you make tax exempt. And I think, in some  
1845 ways, those resources are there to serve Americans, and do,  
1846 and in some cases \_

1847 \*Mr. Walberg. And I think that is a key concern, to  
1848 continue to serve Americans.

1849 \*Mr. Baker. Yes.

1850 \*Mr. Walberg. My time has expired, but I look forward  
1851 to talking about this more in the future \_

1852 \*Mr. Baker. I guess \_

1853 \*Mr. Walberg. \_ because I think it impacts in many ways  
1854 \_

1855 \*Mr. Baker. Part of what I am \_ yes, I would love to  
1856 talk more, because I actually think, at the end of the day,

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1857 given the drop of our own population, it actually makes it  
1858 possible for schools to continue to do stuff they might not  
1859 be able to do without international students.

1860 \*Mr. Walberg. Yes.

1861 \*Mr. Baker. But we should talk about it.

1862 \*Mr. Walberg. Sure.

1863 \*Mr. Baker. And I look forward to that.

1864 \*Mr. Walberg. Thank you.

1865 I yield back.

1866 \*Mr. Bilirakis. The gentleman yields back. I now  
1867 recognize the lady, Representative Kelly, for her five  
1868 minutes of testimony \_ or actually, questioning. Thank you.

1869 \*Ms. Kelly. Thank you, Chairman Bilirakis and Ranking  
1870 Member Schakowsky, for holding this morning's hearing. And I  
1871 want to thank all the witnesses for being here today. It has  
1872 been very educational for me.

1873 I went to college a long, long, long time ago. And one  
1874 thing that really bothered me that the athletes I knew, once  
1875 they got hurt and they weren't \_ they didn't play anymore, so  
1876 many of them wound up dropping out of college because they  
1877 couldn't afford to play, or they felt like they weren't using

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1878 the right position, and they decided not to play. They could  
1879 no longer continue college. So it almost felt almost like a  
1880 using kind of situation. So I am glad to see that, you know,  
1881 we have definitely made progress.

1882 But this is the 465-page NCAA Division 1 manual, which  
1883 college athletes must comply with to maintain their  
1884 eligibility and retain their athletically-related student  
1885 aid, and here is a 211-page manual of one of the Power Five  
1886 Conferences, which players must also comply with to maintain  
1887 their eligibility and retain their athletically-related  
1888 student aid. Yet the very associations and conferences  
1889 imposing these complex and sometimes cumbersome requirements  
1890 on college athletes are claiming that players' newfound NIL  
1891 rights are a source of confusion for athletes.

1892 So Mr. Griffin, have the state NIL laws and your newly  
1893 found NIL freedoms been a source of confusion for you and  
1894 your teammates?

1895 \*Mr. Griffin. I see them now as a source of  
1896 confusement, but of enlightenment [sic].

1897 For the first time, athletes are able to capitalize on  
1898 the value that they innately have, and a lot of these

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1899 athletes have histories of being their hometown hero, or  
1900 being the first person in their family, first person in their  
1901 district to go to a college, let alone for free on  
1902 scholarship and play the sport that they play. And to be  
1903 able to monetize that and learn through that monetization how  
1904 to pay taxes, how much you need to pay an accountant, what  
1905 brands need in order for you to be delivering on their key  
1906 performance indicators, these are all things that are only  
1907 learned through experience, and things that would be put in  
1908 jeopardy by over-regulation.

1909 We have seen that in every young industry, especially  
1910 ones that are up and coming like NIL, which I think is  
1911 eventually turning into revenue share as proposed by Governor  
1912 Baker's last proposal, the free market regulates itself, and  
1913 the bad actors and bad apples will be weeded out.

1914 \*Ms. Kelly. Okay. I am concerned that the discussion  
1915 draft we are considering today creates an NCAA-like  
1916 institution with a board that is appointed by Members of  
1917 Congress and disproportionately loaded with representation  
1918 from athletic associations, conferences, and institutions of  
1919 higher ed. It appears this institution is empowered to

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1920 suppress college athletes' rights to enter into agreements,  
1921 earn compensation, and obtain representation for their use of  
1922 their NIL.

1923 Do you support this new institution, Mr. Griffin?

1924 And what effect could it have on college athletes'  
1925 ability to earn compensation for the use of their NIL?

1926 \*Mr. Griffin. I do not. Twenty-one political  
1927 appointees, many of whom don't have to have an athletic  
1928 background, can pose trouble for NIL. And major advertisers  
1929 and small businesses would never participate in NIL if they  
1930 had to go through a politically appointed entity like this.

1931 The version of true NIL that is being supported by the  
1932 folks on this dais and the folks on the distinguished member  
1933 [sic], they are espousing an NIL that is being threatened,  
1934 and it is because we are trying to weed out bad apples that  
1935 are really just startups. And most startups fail in the  
1936 collective space. And over time, the free market will  
1937 correct those that are doing it wrong, and they will reward  
1938 those that are doing it the right way and proposing value to  
1939 the athletes.

1940 \*Ms. Kelly. I am also concerned that college athletes

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1941 failing to make burdensome and unnecessary disclosures  
1942 mandated by the discussion draft may lose their athletic  
1943 eligibility.

1944 Further, advertisers and other third parties may face  
1945 criminal penalties and jail time if the NIL deal can be  
1946 construed as an inducement.

1947 Mr. Griffin, do you support such requirements, and what  
1948 effect could these provisions have on college athletes'  
1949 ability to earn compensation for the use of their NIL?

1950 \*Mr. Griffin. No, I think we are seeing by the year-by-  
1951 year growth of legitimate NIL deals between third parties  
1952 such as marketers, CMOs, and staffs in agencies of large  
1953 brands, and athletes, we are seeing a transactional business  
1954 that is beneficial for both parties.

1955 As soon as we add oversight in there it becomes over-  
1956 regulation, and it becomes something that poses more risk  
1957 than reward, and the sentiments of protecting athletes turn  
1958 into putting them in jeopardy.

1959 \*Ms. Kelly. Thank you. Thank you to all the witnesses,  
1960 and I yield back.

1961 \*Mr. Walberg. [Presiding] I now represent the proud

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1962 Clemson Tiger, the gentleman from South Carolina, Mr. Duncan.

1963 \*Mr. Duncan. Thank you, Mr. Chairman. And Go Blue is a  
1964 great college football playoff season and bowl season. As a  
1965 former student athlete myself, and a strong college football  
1966 fanatic, it is good to be here and delve into this issue.

1967 I appreciate the work that Chairman Bilirakis and many,  
1968 many others have put into this issue since NIL emerged on the  
1969 scene.

1970 Since its inception, we have seen basically 50 state  
1971 laws created to address NIL in the individual states, and we  
1972 have got this hodgepodge of laws governing NIL. And I can't  
1973 imagine being a recruiter, or a university, or even a student  
1974 athlete trying to navigate all of this and be in compliance  
1975 with the law. I am afraid that what I see happening across  
1976 the country, potentially, really mirrors a lot of things that  
1977 Clemson University and the University of Florida were dinged  
1978 for with probation violations by the NCAA back during the  
1979 Charley Pell days, where boosters were making promises to  
1980 athletes in the recruitment process, and just a lot of those  
1981 things really could happen now. Whether they are actually  
1982 happening, it is ripe for that.



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1983           At the end of the day, I have my own opinions about NIL  
1984 and what it has done to the amateurism of college athletics,  
1985 and what it potentially \_ long-term with NIL and the transfer  
1986 portal, and how the game is changing all across the spectrum,  
1987 what it may mean for down-ticket sports with revenue sharing,  
1988 what it might mean for student athletes as they address tax  
1989 implications and exploitation and other things that could  
1990 possibly happen.

1991           I think we have got to get it right. It is unfortunate  
1992 that Congress has to actually act on this, but we need one  
1993 national standard, I think, versus 50 hodgepodge standards.  
1994 And I think that is the desire of the committee to address  
1995 that, to make sure that, you know, recruiters and  
1996 universities and conferences can get it right. We have a lot  
1997 to unpack here, so let me just delve right into my first  
1998 question for Mr. Baker.

1999           What jurisdiction does the NCAA have over boosters,  
2000 collectives, agents, and other third parties in the NIL  
2001 ecosystem?

2002           \*Mr. Baker. Well, under the current sort of structure  
2003 that is in place, limited jurisdiction. If somebody engages

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2004 in what would be considered to be inducements, to use  
2005 Commissioner Jackson's term, that is an opportunity for us to  
2006 investigate a violation, right?

2007 But in terms of like, you know, are there any rules that  
2008 agents have to comply with? Are there consequences if agents  
2009 misrepresent to student athletes what is actually available  
2010 to them? The answer to that is no. There is virtually no  
2011 transparency in this space at all.

2012 And I am all in on free markets regulate themselves, Mr.  
2013 Griffin. The problem is, in America, generally speaking, it  
2014 has been the job of the Federal Government to put  
2015 accountability and transparency and consequences for bad  
2016 actors in place so that those free markets actually don't  
2017 take advantage of people and don't misrepresent both price,  
2018 quality, and everything else. And I do think there is an  
2019 opportunity for you all to make a really big difference here.

2020 And the final thing I will say is those 50 state laws  
2021 would not affect what you are up to, Mr. Griffin, because you  
2022 are doing what we would all describe as real NIL.

2023 Many of those state laws are designed to specifically  
2024 give the schools and their states an advantage over the

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2025 schools in the other states, and some of them involve,  
2026 Congressman, the conference that you and your school are part  
2027 of \_

2028 \*Mr. Duncan. I agree.

2029 \*Mr. Baker. \_ with respect to other states passing  
2030 other laws to disadvantage schools like Clemson.

2031 \*Mr. Duncan. Yes, I mean, the free market doesn't work  
2032 in \_

2033 \*Mr. Baker. I think that has got to get addressed, and  
2034 I am glad you are looking at it.

2035 \*Mr. Duncan. Free market doesn't work in a government-  
2036 regulated environment like that with the 50 laws \_

2037 \*Mr. Baker. Yes.

2038 \*Mr. Duncan. \_ and changes, I agree with you. So while  
2039 we have on the table \_ based on your answer, this is why we  
2040 have on the table a suitable medium with this non-  
2041 governmental entity to eliminate the status quo and yet not  
2042 become expanded government.

2043 I want to ask the student athletes here, do you get tax  
2044 advice about NIL deals and what tax implications you may have  
2045 for receiving the revenue from the NIL deals?

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2046           And you know, just \_ I want to hear from your personal  
2047 testimony about that.

2048           \*Ms. Page. Personally, no we don't. So the \_

2049           \*Mr. Duncan. The University doesn't provide you any tax  
2050 advice or whatever on how to address NIL?

2051           \*Ms. Page. No. Honestly, no. I think it is the same  
2052 way of a different university can give you \_ you know, you  
2053 get six more pairs of shoes than I do. I get much less NIL  
2054 counseling, much less of protection \_ not protection, I won't  
2055 say that, but much less counseling on the NIL landscape,  
2056 which is why I haven't personally \_

2057           \*Mr. Duncan. You know there is a tax implication on  
2058 that receipt of that revenue.

2059           \*Ms. Page. A hundred percent.

2060           \*Mr. Duncan. Mr. Griffin, let me go to you.

2061           \*Mr. Griffin. I think the only reason why I have  
2062 experienced paying taxes and understanding that landscape is  
2063 because of NIL. If you are taught how to do taxes and what  
2064 taxes are, and you have no money to pay taxes, then it is not  
2065 experiential learning. It is like learning from a textbook.  
2066 But with NIL, for the first time I have been able to pay

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2067 taxes because I have been able to earn money.

2068 \*Mr. Duncan. Keke?

2069 \*Ms. Tholl. No, I don't think most institutions have  
2070 that opportunity.

2071 I mean, at Michigan we do workshops, but that is nothing  
2072 near sitting down with me and telling me, like, my financials  
2073 and what I need to look out for, and how much money is the  
2074 threshold, and what percentage bracket would I be in. And so  
2075 I think there needs to be education at all universities about  
2076 taxes.

2077 \*Mr. Duncan. Thank you.

2078 At the end of the day, Mr. Chairman, as we address this  
2079 draft legislation or whatever Congress do, we have to make  
2080 sure that we keep the student athlete first and foremost in  
2081 our mind in all of this; universities second; conferences  
2082 third; and the whole NCAA last. So I appreciate your work,  
2083 and I yield back.

2084 \*Mr. Bilirakis. [Presiding] Absolutely, absolutely, the  
2085 student athlete first. That is what we are doing here. That  
2086 is why we have them testifying here today.

2087 Next we have Mr. Soto from the great state of Florida.

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2088           You are recognized, sir, for five minutes.

2089           \*Mr. Soto. Thank you, Chairman.

2090           College sports are beloved across America. That is  
2091 something we could all agree on. And these student athletes  
2092 come from all walks of life, sharing common traits like  
2093 drive, hard work, discipline, teamwork, excellence. And  
2094 their actions on and off the field are extraordinary. These  
2095 athletes help create one of the most popular parts of school  
2096 pride and of college life. For many smaller communities they  
2097 remain the highest level of play, the quintessential home  
2098 team. And for all these reasons, we see college sports have  
2099 become a multi-billion-dollar industry.

2100           Historically, some student athletes \_ and we have seen  
2101 it sometimes in Florida \_ are stars on the field, but  
2102 impoverished off the field, which has always been a real  
2103 shame. So states have stepped up, like Florida, around 30 of  
2104 them, to have Name, Image, Likeness laws, including my home  
2105 state. And it has the \_ I think it is long overdue, but it  
2106 also has the potential of giving a major advantage to certain  
2107 wealthier regions or universities with a wealthier alumni  
2108 network, and it has the potential of fundamentally changing

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2109 the game. That is why Congress needs to step up with at  
2110 least minimum national standards to ensure a level playing  
2111 field.

2112 And the Supreme Court already has ruled on this, we  
2113 know. In NCAA v Alston they recognized education-related  
2114 benefits for college athletes. Governor Baker, based upon  
2115 this precedent, what is the NCAA's opinion of \_ what are  
2116 students rights, based upon the Alston NCAA opinion?

2117 \*Mr. Baker. Well, thank you very much for the question,  
2118 Congressman.

2119 Part of my proposal under the so-called Project D1 was  
2120 to grant \_ get rid of the current restrictions that exist  
2121 within the NCAA bylaws so that schools can offer enhanced  
2122 educational benefits to their student athletes and also  
2123 participate in NIL conversations and discussions with their  
2124 student athletes.

2125 So I happen to think the schools would be a real asset  
2126 under the right kind of legal framework to support student  
2127 athletes in a way they can't now. And as I said when you  
2128 weren't here before, I do think that would enhance the  
2129 compliance with title 9, which I worry about a lot.

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2130           \*Mr. Soto. Do you think those bylaws are still  
2131 enforceable after NCAA v Alston?

2132           \*Mr. Baker. I view it as a \_ the enhanced educational  
2133 benefit piece that I am talking about is significantly  
2134 different than the sort of rules and the structure in Alston.

2135           \*Mr. Soto. Do you think there should be any limits on  
2136 products or services that students can lend their name,  
2137 image, and likeness to?

2138           \*Mr. Baker. I think the only place where you run into  
2139 some issues around that would be sports betting, and that is  
2140 because there is so much money that gets bet on college  
2141 sports to begin with. I think it is a \_ that one, to me, is  
2142 really risky. I worry a lot about sports betting, just  
2143 generally, with respect to how it may influence or affect  
2144 student athletes. And we have actually done a lot of things  
2145 to start engaging our student athletes in an educational  
2146 process around sports betting.

2147           But we are also, at a couple of our championships, going  
2148 to experiment with a technology that tracks vicious, brutal,  
2149 nasty social media, which often times bettors point in the  
2150 direction of student athletes and \_



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2151 \*Mr. Soto. Thank you, Mr. Baker.

2152 \*Mr. Baker. \_ officials and coaches.

2153 \*Mr. Soto. Mr. Griffin, what do you think the essential  
2154 elements of a Federal law should be?

2155 What do you think the rules of the road should be, if  
2156 you were to explain it to America right now?

2157 \*Mr. Griffin. Yes, don't create more rules. I think  
2158 the courts have already been showcasing the tide. The  
2159 general public's American opinion has been showcasing the  
2160 tide, and momentum is in the favor of the athlete and in  
2161 favor of athlete compensation, as referenced by Governor  
2162 Baker's proposal.

2163 I think if Congress wants to do anything, it is conduct  
2164 more research on what the overall NIL landscape truly is. I  
2165 think often times a lot of the thought leadership in this  
2166 room has been contained in an echo chamber between Congress,  
2167 the NCAA, and the media that is reporting on all of the  
2168 horror stories of collectives when Opendorse already told us  
2169 that 80 percent of NIL transactions are between athletes and  
2170 brands, and have nothing to do with collectives.

2171 In addition, there are a lot of for-profit operations in

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2172 the collective side that are generating money for the  
2173 athletes in our sustainable models that will continue to add  
2174 value in the future. It is the models where there is  
2175 collectives that are just funneling or promising the  
2176 funneling of donor dollars to athletes that is posing issues  
2177 at any \_

2178 \*Mr. Soto. Thank you, Mr. Griffin, because my time is  
2179 limited.

2180 \*Mr. Griffin. Okay.

2181 \*Mr. Soto. Well, you have a seat at the table today,  
2182 along with your fellow student athletes, and we are knocking  
2183 down the walls of that echo chamber. And thanks for being  
2184 here.

2185 \*Mr. Bilirakis. I thank the gentleman. Next we have  
2186 Dr. Dunn from north Florida, a good friend of mine, and I  
2187 know he is very interested in this issue.

2188 So I will recognize you for five minutes for  
2189 questioning.

2190 \*Mr. Dunn. Thank you very much, Mr. Chairman. This is  
2191 a really important hearing. I think we all realize that.

2192 And thank you, by the way, the panel, an illustrious

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2193 panel, for sharing your time and effort with us, and all the  
2194 work that you put in on this.

2195 I think it is clear that the current fragmented NIL  
2196 landscape is wholly inadequate to protect student athletes or  
2197 institutions from bad actors seeking to exploit the system,  
2198 and the uncertainty that has been caused by this patchwork of  
2199 state laws has turned what was a good idea into one that is  
2200 an idea of instability and liabilities.

2201 Playing college sports is important. It provides an  
2202 opportunity for our student athletes. I think that college  
2203 athletics absolutely fosters the development of life skills  
2204 that extend far beyond the playing field. I think Brian  
2205 Kilmeade said that in his book, "The Games Do Count." But a  
2206 Federal framework is needed now more than ever to protect the  
2207 integrity of the sports and ensure that the opportunities  
2208 that are afforded by \_ to our college athletes continue to be  
2209 afforded.

2210 One of the biggest challenges facing this is the \_ an  
2211 effort to make the student athletes employees of the  
2212 respective schools. I think that is unequivocally not the  
2213 right direction for college athletics to go. I applaud

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2214 Chairman Bilirakis for standing strong on that on that.

2215           So also, I think it is important to me that the \_  
2216 allowing the athletes to be considered employees of the  
2217 school would seriously hurt the student athlete experience.  
2218 This move would have a particular impact on the Historically  
2219 Black Colleges such as Florida A&M in my district.

2220           And I would like to enter a letter into the record, Mr.  
2221 Chair, from the four historically Black athletic conferences  
2222 outlining their concerns and objections to a proposal that  
2223 would classify student athletes as employees of the  
2224 university.

2225           \*Mr. Bilirakis. Without objection, so ordered.

2226

2227           [The information follows:]

2228

2229 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2230

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2231           \*Mr. Dunn. Thank you.

2232           HBCUs often do not have the same depth of resources as  
2233 some of the larger schools, and rely on institutional support  
2234 to fund those programs, and this further strains their  
2235 resources, and that will have a negative effect on the  
2236 ability of the schools to provide robust athletic experience  
2237 across all the sports.

2238           Ms. Tholl, thank you for being here, and could you speak  
2239 to your early NIL deals and how they compared to your later  
2240 NIL deals as your career progressed?

2241           \*Ms. Tholl. Thank you for the question.

2242           My early NIL deals were very low maintenance contracts,  
2243 weren't multiple pages. I understood most of the language on  
2244 all the contracts, very easy to work through. The company  
2245 was a great contact, and I didn't feel it put too much stress  
2246 on my outside things like softball and school.

2247           As I have progressed in the NIL game, I do take a little  
2248 bit more effort in what I do. For example, one of my deals  
2249 is with a \_ with the United Dairy Industry of Michigan, and I  
2250 work closely with them. And we have done, like, four-hour  
2251 photo shoots, and done different segments with dairy farmers

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2252 around the State of Michigan, and it has become a little bit  
2253 more immersive.

2254 And I feel, when you work with a great company, it is a  
2255 lot easier, but \_

2256 \*Mr. Dunn. Let me ask you, if I can ask you, were you  
2257 ever concerned with the lack of certainty in the regulations,  
2258 the NIL regulations, that might cause you eligibility  
2259 problems?

2260 \*Ms. Tholl. Yes, I actually was working with a company  
2261 \_ well, I didn't work with them, but I had reached out  
2262 because it was a product I had been using, and they were  
2263 doing NIL deals, and I really wanted to work with them. But  
2264 in their legislation, the contract that they sent me, it had  
2265 some things that really concerned me, and if I would have  
2266 signed that contract I would have lost eligibility.

2267 \*Mr. Dunn. Very good. So you agree that it is  
2268 important that we stabilize these regulations and create  
2269 certainty for athletes so they can pursue these NIL  
2270 opportunities if they can?

2271 \*Ms. Tholl. Yes, I do think regulation needs to be put  
2272 in place because at this point, too, if regulation isn't put

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2273 in place a lot of Olympic sports and women athletes are \_ the  
2274 gap is going to widen, and we are going to be left behind.

2275 \*Mr. Dunn. Well, so I want to say I applaud the work  
2276 that has been done by the subcommittee, but also by the NCAA  
2277 committee on NIL. I know you have put a lot of effort into  
2278 this over the years. I look forward to continuing to work  
2279 with you and make sure that we make progress on this, and try  
2280 to get this as right as we possibly can coming right out of  
2281 the gates.

2282 So, you know, this is important work. I don't have to  
2283 tell this panel that college athletics is a beloved  
2284 institution throughout America, and for all of us. And it  
2285 doesn't matter whether it is a large school or a small  
2286 school. You all deserve our protection and our attention.  
2287 So thank you very much for your time and effort.

2288 I yield back, Mr. Chair.

2289 \*Mr. Bilirakis. Thank you, Doctor. I appreciate it  
2290 very much. And now I will \_ five minutes, I will recognize  
2291 Representative Trahan for her five minutes of questioning.

2292 I appreciate you being so patient.

2293 \*Mrs. Trahan. Thank you, Mr. Chairman.

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2294 I fear, given some of the rhetoric that we have heard at  
2295 this hearing and others like it, that Congress as a whole has  
2296 lost its credibility on this issue. Mr. Griffin, you  
2297 recently helped lead a survey of college athletes, which,  
2298 among other things, asked what stakeholders they trust. What  
2299 group of people do athletes trust the least?

2300 \*Mr. Griffin. Congress.

2301 \*Mrs. Trahan. That should concern each one of us here  
2302 today, that the very people this committee is seeking to  
2303 "protect" don't actually trust that we have their best  
2304 interests at heart. And I don't think that, as drafted, the  
2305 bill that we are focusing on today will do much to change  
2306 that.

2307 Mr. Griffin, the FAIR College Sports Act would create a  
2308 new governing body completely controlled by political  
2309 appointees, none of whom are required to be current athletes  
2310 like you, Ms. Tholl, or Ms. Page, making rules about  
2311 athletes' day-to-day lives and NIL rights. And it would do  
2312 so while minimizing options for athletes to appeal a  
2313 punishment and providing legal immunity to the punishers.  
2314 Does that governance structure concern you?



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2315           \*Mr. Griffin. Absolutely, it does.

2316           \*Mrs. Trahan. Thank you. I am also concerned with  
2317 provisions in the bill that would allow schools to regulate  
2318 and potentially bar athletes from engaging in NIL activities  
2319 on campus. Mr. Griffin, given how much of your daily  
2320 schedule is already controlled by your school and your  
2321 coaches, do you think it would be detrimental if you were  
2322 forced to leave campus to, say, post about a brand or product  
2323 on social media during your free time?

2324           \*Mr. Griffin. Absolutely.

2325           \*Mrs. Trahan. Thank you. So I have some serious  
2326 reservations about advancing a bill that places those kinds  
2327 of restrictions on athletes' NIL rights, and I am equally  
2328 worried about what the FAIR College Sports Act fails to  
2329 address.

2330           There are currently over 25,000 international athletes  
2331 competing in college athletics, but under the current law  
2332 they are unable to exercise their NIL rights in the United  
2333 States. Ms. Page, during your sophomore year at Radford you  
2334 played alongside a teammate from Germany. Do you think it is  
2335 important that, if Congress advances NIL legislation, it

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2336 closes the loophole that deprives international athletes of  
2337 the same NIL rights that you have?

2338 \*Ms. Page. Thank you for your question. I think it is  
2339 very important for the international student athletes to have  
2340 the same access to NIL that we do. They are doing the same  
2341 schedule that we are, they have the same rights that we do.  
2342 So I think it is very important for them to have the  
2343 opportunity, as well.

2344 \*Mrs. Trahan. Well, thank you, Ms. Page.

2345 I worry that the majority is advancing a bill that fails  
2346 to address some of the most basic issues facing athletes, and  
2347 none are more obvious than international athletes being  
2348 denied the same NIL rights as their teammates.

2349 Ms. Tholl, in your testimony you raised concerns about  
2350 gender equity with regard to collectives. While that is an  
2351 issue that also goes unaddressed in this legislation before  
2352 us today, I couldn't agree with you more. That is why  
2353 Senator Chris Murphy and I sought to address this in our  
2354 College Athlete Economic Freedom Act, requiring that  
2355 collectives offer equal opportunity to all athletes at a  
2356 university, whether it is the opportunity for a deal directly

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2357 with the collective, deal facilitation with a local business  
2358 or brand, or even education surrounding NIL taxes or other  
2359 financial matters.

2360 Ms. Tholl, can you elaborate on why you think it is  
2361 important that, if Congress acts, we work to ensure that  
2362 schools and collectives support all athletes and are held to  
2363 a high standard of gender equity?

2364 \*Ms. Tholl. Thank you for the question.

2365 Women's sports, like I said, has come so far, and there  
2366 is still so much farther we need to go. And not even just  
2367 from a male-female perspective, I also think there is a gap  
2368 between revenue-generating sports and Olympic sports. And I  
2369 believe that if we don't put any legislation in there, we  
2370 will see a lot of lost opportunities from many sports. You  
2371 won't see kids play sports anymore because there will only be  
2372 a select few that are allowed to play in college.

2373 And growing up, my favorite thing was to watch players  
2374 in college or professional softball players. And now I am in  
2375 that role, and I am inspiring young girls, and I fear that  
2376 that won't be the future if these \_ this legislation is put  
2377 in place.

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2378           \*Mrs. Trahan. Thank you. Look, title 9 is the reason  
2379 tens of thousands of women have had the opportunity to  
2380 continue their athletic careers in college, get an education,  
2381 and succeed after school. It is the reason I am sitting here  
2382 today.

2383           So Dr. Jackson, with the time I have left, do you think  
2384 it is fair that under title 9 today schools are allowed to  
2385 double or triple count women athletes, count roster numbers  
2386 at tryouts instead of once the season starts, and even count  
2387 male practice players as women athletes?

2388           And do you agree we should be discussing those  
2389 loopholes?

2390           \*Dr. Victoria Jackson. We are talking about  
2391 participation opportunities here in an education program, so  
2392 absolutely.

2393           \*Mrs. Trahan. Thank you, Mr. Chairman, I yield back.

2394           \*Mr. Bilirakis. Thank you very much, I appreciate it.  
2395 The gentlelady yields back, and I now recognize Mrs. Lesko  
2396 from the great state of Arizona.

2397           We are going to miss you dearly. I wish you would  
2398 reconsider, because you are a great member of this committee.

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2399 But I will recognize you for five anyhow.

2400 \*Mrs. Lesko. Well, thank you, Mr. Chair. And you still  
2401 have to put up with me for 11 more months. So I am here  
2402 until the end of my term.

2403 Thank you to all of you for coming here and testifying  
2404 today and spending hours with us. My first question is for  
2405 Mr. Baker.

2406 Mr. Baker, Riley Gaines, a former 12-time NCAA all-  
2407 American swimmer, recently hand-delivered a petition with  
2408 over 70,000 signatures, and this letter that I am holding up,  
2409 to the NCAA. And I am going to briefly read a couple of  
2410 things that are in this letter. It was dated January 11,  
2411 2024 to President Charlie Baker and the NCAA Board of  
2412 Governors.

2413 "We write on behalf of a coalition of women's  
2414 organizations to demand that the NCAA meet with female  
2415 athletes adversely affected by its discriminatory practice of  
2416 allowing male athletes on women teams. Without single sex  
2417 competition, there can be no equal athletic opportunity. The  
2418 NCAA knows this, yet it continues to propagate a policy that  
2419 allows male athletes on women teams. We renew our demands to

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2420 the governing body to repeal all policies and rules that  
2421 allow male athletes to take roster spots on women's teams  
2422 and/or compete in women's events, and establish and enforce  
2423 the right of female athletes to participate in sports based  
2424 on sex, and require its member institutions to provide single  
2425 sex locker rooms for female athletes.'` The NCAA has not  
2426 acted on any of these demands, and instead women's rights  
2427 have been further eroded.

2428 My question to you, sir: will you commit to meeting  
2429 with the women athletes, as requested in this letter?

2430 \*Mr. Baker. Sure.

2431 \*Mrs. Lesko. My next question is will the NCAA make the  
2432 changes requested in this letter?

2433 \*Mr. Baker. And just for your own information, every  
2434 single NCAA championship, the host community, and the host  
2435 institution and the host organization, under our current  
2436 rules, is required to provide safe and secure accommodations  
2437 to all athletes. And if athletes are looking for specific  
2438 solutions to deal with concerns that they have, they are  
2439 going to get them. And we should never be in a position  
2440 where we are putting somebody in a position where they feel

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2441 they are not safe, period.

2442 I can't speak to what happened before I got here, but  
2443 those are the rules as they stand right now.

2444 \*Mrs. Lesko. Well, that is good to hear. Now Ms. Riley  
2445 Gaines in recent media articles had said that she had sent  
2446 you a letter back in January of 2023, so a year ago, and that  
2447 she had not received a response. And so she was disappointed  
2448 that she \_ even though you said those things, that she hadn't  
2449 gotten a response, and nothing has really changed.

2450 \*Mr. Baker. Well, my first year my primary objective  
2451 was to do something nobody had ever done before in my job,  
2452 which was to meet with all 97 conferences, which was  
2453 obviously a big lift, and to get a sense from them about what  
2454 the key issues and opportunities associated with college  
2455 sports were. And I have spent dozens of hours with current  
2456 student athletes.

2457 And as I said in my opening answer to your first  
2458 question, if folks want to have an open conversation about  
2459 issues associated with college sports and women's sports  
2460 generally, we will figure out how to make that happen.

2461 \*Mrs. Lesko. Well, good. I hope it happens soon. I

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2462 will call them right when I am done with this hearing and let  
2463 them know you are willing to meet with them.

2464 \*Mr. Baker. Okay.

2465 \*Mrs. Lesko. The next question is for Commissioner  
2466 Jackson.

2467 In your testimony you advocated strongly for increased  
2468 transparency into NIL. I have heard from some of my  
2469 colleagues across the aisle that such transparency would be  
2470 used by bad actors to set athlete compensation. However,  
2471 section 102 of the discussion draft would include  
2472 requirements that the USIAC may not fix student athlete  
2473 compensation.

2474 How would those claims conflict with the duties on the  
2475 USIAC, and why do you believe sunlight is the best  
2476 disinfectant?

2477 \*Mr. Jeff Jackson. Well, again, we are not trying to  
2478 get specific information. The student athletes who would be  
2479 participating in this, as I understand the draft, would be  
2480 under anonymity. So we are just trying to get a general idea  
2481 of where things are in regards to our market value. Nothing  
2482 more, nothing less.



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2483 I don't really see this as being something that is  
2484 overly invasive. On our campuses we get information all the  
2485 time from student athletes, whether it is their academic  
2486 information \_ it is pretty commonplace on a college campus.  
2487 So again, just trying to do a better job of making sure that  
2488 we can keep them safe, making sure that we understand what is  
2489 transpiring, and allowing them to be \_ you know, to have good  
2490 a decision-making process in how they decide things.

2491 \*Mrs. Lesko. Thank you. And with 12 seconds \_ I think  
2492 I am over my time.

2493 I yield back.

2494 \*Mr. Bilirakis. Thank you very much, I appreciate that.  
2495 And now we will recognize Mr. Fulcher for his five minutes of  
2496 questioning.

2497 \*Mr. Fulcher. Thank you, Mr. Chairman. Thanks to the  
2498 panel for being here and for just helping us get educated as  
2499 we are trying to do the right thing on this.

2500 Mr. Jackson, we have been talking about some Federal  
2501 standards, and in particular in the area of requiring agents  
2502 to register. How would that impact FCS schools, for example,  
2503 and for organizations that you represent?

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2504           \*Mr. Jeff Jackson. I think the most important thing is  
2505 it keeps our student athletes safe. They understand that  
2506 when they are signing a contract that there are certain  
2507 standards, certain parameters that those contracts hold.  
2508 Agents being true agents, being people who actually are true  
2509 representatives and are following legal standards in their  
2510 representation of those student athletes is paramount.

2511           So to me, having certification, having an opportunity to  
2512 know who you are dealing with, having contracts on file so  
2513 that you can understand how those contracts are impacting  
2514 student athletes is just one of the levers that we need to  
2515 pull on, and to make sure that we are keeping our student  
2516 athletes safe.

2517           \*Mr. Fulcher. Thank you for that.

2518           Mr. Baker, you have touched on this, but I want to just  
2519 try to get some clarification if I can. Some of the  
2520 fraudulent and deceptive trends \_

2521           \*Mr. Baker. Say again, I am sorry.

2522           \*Mr. Fulcher. Some of the fraudulent and deceptive-type  
2523 trends that you see \_ you say you met with 97 conferences.  
2524 That is a lot. Can you generalize in a few seconds the

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2525 things you are concerned about the most?

2526           \*Mr. Baker. The biggest thing I am concerned about is  
2527 misrepresentation to student athletes about what is possible,  
2528 driven in many cases by third parties that are collecting  
2529 names and positions, skill positions, to encourage student  
2530 athletes to leave their existing scholarship at their  
2531 existing school, go into the transfer portal, and then it  
2532 turns out that several of them, many of them, thousands of  
2533 them discover, having gone into the portal and given up the  
2534 scholarship that they had at their previous institution,  
2535 there actually isn't an opportunity for them available  
2536 somewhere else. And until there is some transparency and  
2537 some consequence associated with this, I think we are going  
2538 to continue to have this problem.

2539           The second thing I would really like to see \_ and we do  
2540 this in all financial transactions everywhere in this country  
2541 \_ is some kind of uniform standard contract so that a student  
2542 athlete knows that, if \_ and an agent knows \_ that if  
2543 somebody is going to sign a contract, they know what to  
2544 expect in it from a, you know, terminology, terms,  
2545 conditions, and all the rest. And if an agent or someone who

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2546 wants to purchase somebody's time or brand wants to vary from  
2547 that uniform contract, they have to ask permission.

2548 \*Mr. Fulcher. Got it.

2549 \*Mr. Baker. And the other thing I really want on that  
2550 thing is I want it to say that the agent works for the  
2551 customer.

2552 \*Mr. Fulcher. Got it.

2553 \*Mr. Baker. In every other financial sector in our  
2554 country, when you decide you are going to be an agent, or a  
2555 broker, or play a role like that, you sign something that  
2556 says on that deal that you are going to work for the  
2557 customer. We have people in this space right now who don't  
2558 work for the customer, and I think that is a problem.

2559 \*Mr. Fulcher. Got it. Thank you for that.

2560 Ms. Page, from an athlete standpoint, same question:  
2561 fraudulent, deceitful trends that you see.

2562 \*Ms. Page. I would like to echo everything President  
2563 Baker just said. It is incredibly \_ so not only are athletes  
2564 entering the portal, and not finding a home in another  
2565 institution, and then finding out that their deal isn't  
2566 possible anymore, they are also going to that institution and

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2567 finding out that their educational credits don't even  
2568 transfer.

2569           So there is a lot of times when an athlete \_ I have seen  
2570 this myself with one of my friends \_ went to another  
2571 university on a recruiting inducement, and then she was now a  
2572 sophomore again, instead of being a senior. So that is a  
2573 trend I commonly see in this space of not having that  
2574 educational focus, and detouring from that to \_ for a  
2575 recruiting inducement.

2576           \*Mr. Fulcher. Thank you for that.

2577           Mr. Chairman, I would like to enter into the record a  
2578 letter from several student athletes who were part of the Big  
2579 Sky Conference. These are not students who come from high-  
2580 profile, revenue-generating sports programs, but from  
2581 programs that offer scholarships and other opportunities for  
2582 student athletes, including one from my home state of Idaho,  
2583 Thomas Patterson University of Idaho. And they appreciate \_  
2584 they are appreciating these legislative efforts being  
2585 discussed today, and recognize \_ and protect student  
2586 athletes, not to see them as employees, but to put them in  
2587 charge and make them responsible for their opportunities.

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2588 Mr. Chairman, I would like to submit that for the record.

2589 \*Mr. Bilirakis. Without objection, so ordered.

2590 [The information follows:]

2591

2592 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2593

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2594 \*Mr. Fulcher. Thank you. I yield back.

2595 \*Mr. Bilirakis. Okay, moving along here now, we will  
2596 recognize Mr. Allen for his five minutes of questioning.

2597 \*Mr. Allen. Thank you, Mr. Chairman, and this is a very  
2598 important hearing. And thank you, all of you, for your  
2599 expertise.

2600 You know, I am on the Education and Workforce Committee,  
2601 so we have some governance on this. However, we are trying  
2602 to authorize higher education as we speak, and we still  
2603 haven't gotten it authorized. So you can understand how  
2604 difficult it is to get these things through Congress. I  
2605 think our founders kind of designed it that way.

2606 This is, you know, getting \_ what is important, I think,  
2607 is to get football, college football at least, back to some  
2608 normalcy, and that means preserving amateur status and the \_  
2609 for example, the USGA, which is golf's governing body when it  
2610 comes to amateur versus professional athlete, you know, if  
2611 you are going to maintain your amateur status you can only  
2612 make up to a certain amount of money. And I don't know the  
2613 details on that, and it would be interesting to see what \_  
2614 because I am sure college players are getting NIL \_ golfers

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2615 are getting NIL money, and I don't know how they are  
2616 maintaining their amateur status. But we need to find out  
2617 how that is working.

2618 I want Congress to pass a law that will give the  
2619 appropriate authorities needed to oversee the NIL  
2620 marketplace. You have to have guardrails. And once it is  
2621 passed, you know, I don't want us to have to keep legislating  
2622 on this. I want the ball back in your court, where it needs  
2623 to be.

2624 Ms. Tholl, I also serve on the Committee \_ as I said, on  
2625 the Committee of Education and Workforce, and we deal  
2626 directly with labor issues. And I can assure you, dealing  
2627 with the National Labor Relations Board can be difficult. I  
2628 am not going to ask you to get into what NLRB is doing with  
2629 the NCAA, but what does strike me as confusing is if you  
2630 accept the premise that student athletes should be employees,  
2631 and there is clearly an agenda behind that to give them \_ to  
2632 unionize them, then how would that work in college athletics?

2633 \*Ms. Tholl. Was that question for me?

2634 \*Mr. Allen. Yes.

2635 \*Ms. Tholl. I am against the unionization of student



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2636 athletes for the pure fact that I think at universities what  
2637 would happen is our revenue-generating sports would make a  
2638 union for themselves and take their money with them. And  
2639 then, therefore, like Congresswoman Dingell said, University  
2640 of Michigan has 29 sports teams. You would lose 75 percent  
2641 of them because they would have zero funding to work.

2642 \*Mr. Allen. And you know that each state has different  
2643 right-to-work laws. I mean, like, Georgia has a right-to-  
2644 work law which means that you can play college football and  
2645 you do not have to be a member of the union. It is your  
2646 choice. In some states it is not like that. So it gets very  
2647 complicated.

2648 In fact, the reason we are here today is because states  
2649 are legislating this. All of the lawsuits have been brought  
2650 by the antitrust, which is why Congress is involved, because  
2651 this is a Federal agency. So you can see why we have all  
2652 this overlap. So you can kind of see where I am going with  
2653 this: How do you see unionization disrupting the coexistence  
2654 of women's and men's sports and their status as revenue-  
2655 generating?

2656 \*Ms. Tholl. I think that the revenue-generating will

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2657 just become richer. And like I said, I think you will lose a  
2658 lot of opportunities with Olympic sports and women's sports.  
2659 And then how do universities abide by title 9 at that point?

2660 \*Mr. Allen. Thank you.

2661 Mr. Griffin, I trust that you and your fellow players  
2662 are supportive of the synergy that exists for supporting all  
2663 programs on campus. I looked at your information. You are  
2664 quite an entrepreneur already, and I congratulate you on  
2665 that, because that is the world I come from. But regardless  
2666 of how they appear on a balance sheet, you know, is that  
2667 correct?

2668 \*Mr. Griffin. I think college football athletes take  
2669 pride in doing something that helps allow other programs  
2670 within their alma mater compete in their sports.

2671 And then, on the topic of employee status, that is not  
2672 really up to athletes. Like you said, that is up to the  
2673 National Labor Relations Board. But I do think it is  
2674 important to note that currently, based off of the amount of  
2675 time, effort, and hours that we do on a daily basis, on a  
2676 weekly basis \_

2677 \*Mr. Allen. Oh, no question.

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2678 \*Mr. Griffin. \_ that we operate as employees currently.

2679 \*Mr. Allen. Okay, all right. Well, I am out of time.

2680 And thank you again so much for being here.

2681 And I yield back, Mr. Chairman.

2682 \*Mr. Bilirakis. I thank the gentleman. The gentleman  
2683 yields back, and now we will recognize Mr. Pence, Mr. Pence,  
2684 another person we are going to miss dearly.

2685 But you have still got a year to go, and I know you will  
2686 make the best of it. So I recognize you for five minutes for  
2687 questioning.

2688 \*Mr. Pence. Thank you, Mr. Chairman, and back at you.

2689 Chairman Bilirakis, Ranking Member Schakowsky, thanks  
2690 for holding this hearing, and thank you to all the witnesses  
2691 for being here.

2692 College athletics are deeply rooted in the cultural  
2693 fabric of our communities. The Hoosier State is no  
2694 different. I actually represent Indianapolis, and I have \_  
2695 and, of course, the NCAA headquarters is in there, and a lot  
2696 of the employees are in my district.

2697 Institutions of all sizes, from Purdue and Ball State to  
2698 Indiana University in Bloomington have long, rich histories

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2699 that are part of the fabric of rural Indiana. Student  
2700 athletes at these institutions compete in and across state  
2701 lines to proudly represent the Hoosier State. NIL provides  
2702 opportunities for big-name schools and national brands, as  
2703 well as smaller community endorsements to assist students  
2704 that are not in the national limelight.

2705         Take Indiana University, for example. A collective,  
2706 Hoosiers for Good, partners with athletes and facilitates a  
2707 minimum of a one-year commitment for an athlete to partner  
2708 with a charity of their choice. Many of these students  
2709 continue to give back through scholarships to first-  
2710 generation college students and more.

2711         Any consideration for Congress on a national standard  
2712 for NIL compensation should seek to preserve the rich  
2713 tradition of competition that college sports have afforded to  
2714 communities across the country, and particularly in my state,  
2715 Indiana.

2716         President Baker and Commissioner Jackson, I am going to  
2717 \_ at the end of my comment here the question is for each of  
2718 you. President Baker, you stated the NCAA is making changes  
2719 to improve the outcomes for student athletes across all three

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2720 divisions, and is acting to clarify and improve the NIL  
2721 environment, but there are significant issues outside of your  
2722 control. Many sports experts have referred to the current  
2723 NIL environment as a Wild West, and why we are here today.

2724         Given the NCAA's December announcement to create a new  
2725 subdivision for Division 1 schools, who is to say it will not  
2726 lead to powerful conferences like the SEC from leaving and  
2727 creating, of course, a super-conference that everybody is  
2728 talking about.

2729         Commissioner Jackson, in your testimony you stated you  
2730 are unsure the establishment of an independent entity is  
2731 necessary to enforce the rules outlined in the draft  
2732 legislation. Very self-serving, very concerned about the  
2733 viability of the NCAA. How will the NCAA remain viable and a  
2734 relevant entity if professionalism comes into college sports  
2735 the way we are talking about or contemplating?

2736         First, you, Mr. \_

2737         \*Mr. Baker. So first of all, Congressman, thank you for  
2738 the question, and I guess I would just say the following.

2739         The first is we have done a lot of work over the past  
2740 year to enhance the support that we provide to student

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2741 athletes. Starting in August of this coming year, beginning  
2742 of the school year, scholarships are guaranteed whether a  
2743 student athlete chooses to play or not, and these are all  
2744 Division 1 issues, which is where most of what you are  
2745 talking about, I think, is relevant. Scholarships are  
2746 guaranteed, whether they play or not. They have 10 years of  
2747 access to that scholarship to complete their degree. They  
2748 have access to health and well-being services. These are  
2749 requirements. And all three divisions will have access \_  
2750 student athletes in all three divisions will have access to a  
2751 two-year injury insurance protection program \_

2752 \*Mr. Pence. So if I may, yes, and you kind of outlined  
2753 some of those. Those are great things, great protections for  
2754 the students. And I have met with a number of students in  
2755 the universities in my area.

2756 But what is going to happen to the NCAA if we do have  
2757 these super-conferences? That is really my question.

2758 \*Mr. Baker. Well, you can certainly operate a  
2759 subdivision or a super-conference within the framework of the  
2760 NCAA, generally. And I think the most important \_

2761 \*Mr. Pence. Under the NCAA or outside?

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2762 \*Mr. Baker. Inside, sure.

2763 \*Mr. Pence. Okay.

2764 \*Mr. Baker. I think the most important thing that needs  
2765 to be preserved is the opportunity for conferences like the  
2766 one that is represented by Mr. Jackson and conferences that  
2767 are represented by Ms. Page and some of the other folks here  
2768 to be able to continue to participate in national  
2769 championships.

2770 And I would argue everybody should have access to those  
2771 national championships because for, all intents and purposes,  
2772 the big thing I hear from student athletes when I talk to  
2773 them about what, you know, what are they most pleased with  
2774 and excited about \_

2775 \*Mr. Pence. If I may, Commissioner Jackson, you could  
2776 give a quick answer. I am running out of time.

2777 \*Mr. Baker. Okay.

2778 \*Mr. Jeff Jackson. Yes.

2779 \*Mr. Pence. Thank you.

2780 \*Mr. Jeff Jackson. I agree with everything that  
2781 President Baker just stated. The most important thing for  
2782 our conference is championship access. Some of the things in

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2783 regards to amenities already exist. So there is already some  
2784 variance between the institutions, conference-wise, and in  
2785 your state, from Indiana to Indiana State. But we want that  
2786 championship access, and we want rules and policy to allow us  
2787 to feel that we can legitimately compete in that championship  
2788 arena.

2789 \*Mr. Pence. Okay, all right.

2790 Thank you, and I yield back, Mr. Chairman.

2791 \*Mr. Bilirakis. The gentleman yields back. Now I will  
2792 recognize the good lady from Dolly Parton country and Steve  
2793 Spurrier country.

2794 From the great state of Tennessee, you are recognized  
2795 for five minutes for your questioning, Mrs. Harshbarger.

2796 \*Mrs. Harshbarger. Thank you, Mr. Chairman, and I want  
2797 to thank you all for being here today, too. This is really,  
2798 really an important issue that we have to address. But I do  
2799 wish, however, that we could have had a witness here  
2800 representing the collectives, because we need to look at  
2801 opposing viewpoints and get their feedback, as well, because  
2802 we are putting guardrails on them and we need to hear from  
2803 them.



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2804           So without objection, I would like to submit the  
2805 testimony of The Collective Association for the record, Mr.  
2806 Chairman.

2807           \*Mr. Bilirakis. Without objection, so ordered.

2808           [The information follows:]

2809

2810           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2811

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2812            \*Mrs. Harshbarger. Okay. President Baker, I am aware  
2813 that the NCAA issued its interim NIL rule in July 2021, and  
2814 it is my understanding that in the two-and-a-half years since  
2815 the NCAA issued and \_ has issued numerous subsequent guidance  
2816 documents about how schools and student athletes can interact  
2817 with collectives.

2818            Do you acknowledge that the frequency in changing the  
2819 guidance has been inconsistent and unclear, and that the  
2820 ambiguity has left schools, student athletes, and collectives  
2821 with uncertainty about how to follow the rules? That is a  
2822 yes or no.

2823            \*Mr. Baker. That is a yes.

2824            \*Mrs. Harshbarger. Yes.

2825            \*Mr. Baker. Which is why we are doing what we are doing  
2826 now \_

2827            \*Mrs. Harshbarger. Exactly.

2828            \*Mr. Baker. \_ to create bylaws, yes.

2829            \*Mrs. Harshbarger. So how do you plan to bring clarity  
2830 to those stakeholders, sir?

2831            \*Mr. Baker. Well, the first piece we started with,  
2832 because we thought it was the most important part, was \_ and

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2833 thank you for the question \_ was around the consumer  
2834 protection piece \_

2835 \*Mrs. Harshbarger. Yes.

2836 \*Mr. Baker. \_ creating that uniform standard contract,  
2837 giving student athletes some de-identified database so they  
2838 would be able to figure out "what market looks like," and  
2839 giving them generally better access to information so that  
2840 they can make the best decision for themselves and for their  
2841 families.

2842 The other thing I would just say is we are going to also  
2843 pursue the institutional involvement part. We would like  
2844 schools to be able to provide more guidance and more advice  
2845 to their student athletes, because we heard from a lot of  
2846 student athletes that nobody else was giving them a lot of  
2847 that information.

2848 And create a registry. I wouldn't call it a registry,  
2849 it is more of a an opportunity for student athletes to  
2850 recommend agents who they believe are working in the best  
2851 interests of student athletes, so that other student athletes  
2852 would know that and could choose to pursue those folks.

2853 But in the end, just given how contentious and litigious

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2854 this world has become, having the backstop of a Federal  
2855 commitment to give us, at least in some areas, the ability  
2856 for rules that get written \_

2857 \*Mrs. Harshbarger. Yes.

2858 \*Mr. Baker. \_ to support student athletes to actually  
2859 be sustained without spending all their time in court  
2860 fighting those rules.

2861 \*Mrs. Harshbarger. Really, you come to the Federal  
2862 Government for us to solve the problem.

2863 \*Mr. Baker. Yes.

2864 \*Mrs. Harshbarger. That is not a place you want to  
2865 come.

2866 Commissioner \_

2867 \*Mr. Baker. I am just looking for your help so that \_

2868 \*Mrs. Harshbarger. Yes.

2869 \*Mr. Baker. \_ when someone comes after me and goes to  
2870 court \_

2871 \*Mrs. Harshbarger. Oh, I got you, pal, I got you.

2872 \*Mr. Baker. Yes.

2873 \*Mrs. Harshbarger. It is those guidance documents.

2874 Anyway, Commissioner Jackson, I am glad that the focus

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2875 of this legislation is on preventing tampering in recruiting  
2876 and the effect of the combined transfer portal in the NIL has  
2877 been \_ I don't want to call it a disaster, but it has been  
2878 problematic for college football, particularly during the  
2879 bowl season. And I am concerned with the ways that players  
2880 have been transferring repeatedly with the hope that the  
2881 collectives affiliated with the new school will provide  
2882 additional money.

2883 And just like President Baker said \_ stated earlier,  
2884 there are athletes giving up their scholarships, entering the  
2885 transfer portal, seeking NIL payments, and then they end up  
2886 with nothing. So my question is, do you have suggestions on  
2887 ways we can tailor this legislation to better address the  
2888 incentives from the transfer portal?

2889 \*Mr. Jeff Jackson. Well, I think the legislation is a  
2890 great start.

2891 \*Mrs. Harshbarger. Okay.

2892 \*Mr. Jeff Jackson. I think having transparency, having  
2893 the ability to limit bad actors \_ because a lot of what you  
2894 are talking about, the impetus for that, are people looking  
2895 at student athletes and seeing an opportunity to take

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2896 advantage and exploit them financially. And I think if we  
2897 can minimize the ability of bad actors to infiltrate and  
2898 create possible poor decisions by our student athletes, that  
2899 would help tremendously.

2900 \*Mrs. Harshbarger. Okay, let me see.

2901 President Baker, I am concerned that some pieces of the  
2902 system will just end up penalizing people who get caught,  
2903 while others are going to continue to win by skirting the  
2904 rules. And my question is, do you have any suggestions on  
2905 ways to strengthen the due process protections of the USIAC?

2906 \*Mr. Baker. I think the \_ I would actually like to \_  
2907 and I said this when I spoke with the chairman recently \_ I  
2908 would love to have a conversation with the committee about  
2909 that issue, because I think there are things that could be  
2910 done to ensure that, especially around some of the issues  
2911 associated with inducement and misrepresentation, which are  
2912 the things I worry about the most, there are definitely some  
2913 things we could do together on that.

2914 \*Mrs. Harshbarger. Okay, well, my time is up.

2915 So I yield back, Mr. Chairman.

2916 \*Mr. Bilirakis. The gentlelady yields back. Now I

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2917 recognize my fellow Florida Gator, Mrs. Cammack, for five  
2918 minutes of questioning.

2919 \*Mrs. Cammack. Lots of SEC love up here today. Thank  
2920 you, Mr. Chairman, for hosting this great hearing today, a  
2921 very important and timely topic. Thank you to all our  
2922 witnesses for appearing before us, and sorry about the  
2923 weather.

2924 Now, before I jump into questions I would like to  
2925 associate myself with remarks from my colleague from Arizona,  
2926 Representative Lesko, regarding title 9, protection of women  
2927 in women's sports, and really implore you, President Baker,  
2928 to protect our women athletes, to meet with our women  
2929 athletes, to address the concerns that they have. I really  
2930 believe that if the NCAA wants to maintain credibility when  
2931 it says it wants to protect title 9, that this is a very  
2932 important step.

2933 And I know you inherited some pretty disastrous  
2934 decisions, but this is a moment where we have to address this  
2935 issue and make sure that men are not competing in women's  
2936 sports. There are 200,000-plus women athletes who are  
2937 counting on us and you, and I hope we can have your

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2938 commitment.

2939           So I know in your testimony with the Senate that you had  
2940 been eager to partner with Congress to bolster and protect  
2941 title 9 protections as it related to NIL. Can you make that  
2942 same commitment to protect title 9, and women's sports  
2943 broadly?

2944           Specifically, can you commit today to reversing the  
2945 NCAA's policy adopted under your predecessor that allows  
2946 biological men to compete in women's sports?

2947           \*Mr. Baker. Well, first of all, I would just say I  
2948 understand the reason this issue is such a complicated one  
2949 for people, and such a challenging one. Almost every  
2950 governing body that I am aware of in sports believes there  
2951 should be a men and a women version, but in very  
2952 individualized circumstances there has to be some standard \_

2953           \*Mrs. Cammack. Well \_

2954           \*Mr. Baker. \_ for transgender athletes if they can meet  
2955 certain conditions to qualify.

2956           \*Mrs. Cammack. President Baker, respectfully, and  
2957 because I do want to get to a very specific question with  
2958 regard to NIL and the transfer portal, it is not difficult.



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2959 It is not complicated. It is DNA. There are physiological  
2960 differences. And let's follow the science. That is \_ that  
2961 should be the position.

2962 \*Mr. Baker. And the \_

2963 \*Mrs. Cammack. Men are men. Women are women, and that  
2964 is that. So we will move on, because I know this is where \_

2965 \*Mr. Baker. Okay.

2966 \*Mrs. Cammack. \_ we need to get to the heart of the  
2967 issue.

2968 But talking with several of our coaches, there are  
2969 serious concerns about how to manage a roster with the  
2970 transfer portal in place. People are pulling their hair out.  
2971 How can we address these concerns, and do you believe there  
2972 should be restrictions or consequences for entering the  
2973 transfer portal multiple times?

2974 \*Mr. Baker. I think \_ I guess what I would say is the  
2975 Wild West that we talked about before \_

2976 \*Mrs. Cammack. Yes.

2977 \*Mr. Baker. \_ of NIL creates a significant piece of  
2978 this.

2979 And again, I keep coming back to this is not what Mr.

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2980 Griffin is talking about.

2981 \*Mrs. Cammack. Correct.

2982 \*Mr. Baker. This is the issue associated with  
2983 inducement \_

2984 \*Mrs. Cammack. Yes.

2985 \*Mr. Baker. \_ and, in many cases, misrepresentation.

2986 And part of the reason why I would like to see something like  
2987 what we proposed, which makes it possible for student  
2988 athletes to receive additional enhanced educational support  
2989 from their school, as well as giving their schools the  
2990 ability to engage with them directly around NIL, I do believe  
2991 that could help with regard to this without putting the  
2992 burden on student athletes. This one would actually put it  
2993 on the schools to do more for student athletes to support  
2994 them and to sustain their relationship with them.

2995 But again, in the absence of Federal legislation that  
2996 sort of validates this kind of an approach and makes it  
2997 possible to do it without turning them into employees, which  
2998 for your state \_

2999 \*Mrs. Cammack. Right.

3000 \*Mr. Baker. \_ and many others is a problem, we are just

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3001 going to end up right back in Federal court, which is where  
3002 we are now \_

3003 \*Mrs. Cammack. Right, and I know \_

3004 \*Mr. Baker. \_ on the whole issue of transfer policy \_

3005 \*Mrs. Cammack. I know there is an antitrust situation  
3006 that we are really kind of dancing around.

3007 \*Mr. Baker. Yes.

3008 \*Mrs. Cammack. And I understand that.

3009 And Mr. Griffin, I heard you loud and clear, and I want  
3010 you to be wildly successful. I want all of our folks to make  
3011 oodles of money, and be wildly successful. It is the  
3012 inducements that are problematic, that are causing chaos  
3013 within college sports.

3014 And so \_ and I do want to set the record straight. One  
3015 of my colleagues mentioned that the majority, our side of the  
3016 aisle, is not concerned with the implications of our foreign  
3017 athletes. That is actually something that was mentioned in  
3018 our previous hearing on this issue, and I would love for us  
3019 to find a way to open up NIL \_

3020 \*Mr. Baker. Solve that, yes.

3021 \*Mrs. Cammack. \_ opportunities for our foreign

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3022 athletes. I think that it is a fairness issue. So I just  
3023 wanted to make sure that we set the record straight on that.

3024 And Mr. Jackson, I really appreciate your commentary  
3025 here today. In the time that I have remaining, can you talk  
3026 about how your conference has had to alter your recruiting  
3027 efforts to address some of these issues around inducements  
3028 and NIL deals?

3029 \*Mr. Jeff Jackson. Yes, I was speaking with a coach the  
3030 other day and he referred to name, image, and likeness as  
3031 name, image, and lies because one of the things that we have  
3032 to continually grapple with as a conference is, when we have  
3033 student athletes perform at a certain level, they are  
3034 constantly besieged by other institutions, bad actors,  
3035 sometimes with false promises, sometimes with outright  
3036 inducements in terms of financial compensation to leave that  
3037 institution to attend another. And as I have said earlier,  
3038 that is not NIL, that is something very much different.

3039 And again, we are very appreciative of the fact that  
3040 this committee is taking this up because, as President Baker  
3041 has said, there are certainly things that the NCAA is  
3042 efforting to do, but we do need your help to have the

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3043 complete model so that we can keep our student athletes safe  
3044 and have a fair playing landscape for all of our  
3045 institutions.

3046 \*Mrs. Cammack. Absolutely. I appreciate all of the  
3047 commentary. Thank you again for all being here.

3048 Mr. Chairman, I yield.

3049 \*Mr. Bilirakis. The gentlelady yields back. Now I will  
3050 recognize Mr. Veasey from great state of Texas for five  
3051 minutes of questioning.

3052 \*Mr. Veasey. Thank you, Mr. Chairman.

3053 Mr. Baker, I wanted to ask you because I am trying to \_  
3054 because I do think that there needs to be some guardrails  
3055 that are better established and put up, and I appreciate  
3056 that. I think that the legislation that we are considering  
3057 today probably has too many in there, and I cite some of the  
3058 concerns that Mr. Griffin spoke about earlier, about there  
3059 being too much regulation and too much restraint put on the  
3060 athletes.

3061 But I was just wanting to sort of pick your brain about,  
3062 you know, why we are focusing on this first, and I wanted to  
3063 ask you because one of the things that concerns me about

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3064 college sports right now is that we literally are going to  
3065 have kids next season that are going to be getting on planes  
3066 in northern California, and they are literally going to be  
3067 flying from northern California all the way over to the East  
3068 Coast.

3069           And as student athletes, they are going to be spending  
3070 most of their time on planes. They are not going to be a  
3071 part of a college social experiment. They are probably going  
3072 to have to do most of their work on Zoom. This is a  
3073 committee that had to do a lot of work on Zoom, and we  
3074 actually got tired of it. We were happy to come back here.  
3075 These kids are going to have their whole career for four or  
3076 five years, if they redshirt, spent on planes. How is that  
3077 good for college athletes, and why are we not here regulating  
3078 that first?

3079           \*Mr. Baker. Well, first of all, I think the issue you  
3080 are raising is a legitimate one, and we have had many  
3081 conversations with school leadership and with coaches and  
3082 others and commissioners about how to think differently about  
3083 organizing the schedules to address some of those issues.  
3084 And I would describe it as still a work in progress, but I do

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3085 believe there are ways to think \_ I will give you sort of a  
3086 generic example, right?

3087         There are many sports where you could have three teams  
3088 or four teams engaged in what I would call a round robin over  
3089 a two or three-day period, over a weekend, and basically play  
3090 a large number of games that normally you would have played  
3091 one at a time. We do that in a number of sports right now.  
3092 We do it in golf, we do it in tennis, we do it in some  
3093 others. But there are other sports where you could do that,  
3094 as well, and that would certainly reduce some of the travel  
3095 issues.

3096         And I said at the time that this issue first came up  
3097 that I thought dealing with and figuring out the scheduling  
3098 challenge was going to be sort of job number one for  
3099 everybody.

3100         \*Mr. Veasey. Yes, and let me also ask you this because,  
3101 you know, one of the things also worrisome \_ and I literally  
3102 can remember when I was still in the state legislature, and I  
3103 would drive from Austin all the way back to Fort Worth. And  
3104 whenever you would drive through Waco, you would see pictures  
3105 of Robert Griffith and Brittney Griner all over Waco in

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3106 businesses, billboards.

3107 \*Mr. Baker. Yes.

3108 \*Mr. Veasey. That was obviously a win not just for  
3109 Baylor, but for the city, and people were monetizing that.  
3110 And there were no regulations put on how they were monetizing  
3111 their name, their image, or their likeness.

3112 And I guess back to what \_ the points that Mr. Griffin  
3113 was making earlier, if you tie the student athlete's hands to  
3114 the point to where they also can't participate for themselves  
3115 at that level, how is that helping them? And that is my  
3116 concern with the legislation that we are considering today,  
3117 is that there are too many restraints that are put on for  
3118 them to really be able to take advantage of their name,  
3119 image, and likeness.

3120 \*Mr. Baker. Well, I \_ you know, I can just tell you  
3121 that I think Name, Image, and Likeness is a great thing for  
3122 young people generally and student athletes in particular,  
3123 and I support it wholeheartedly. And as I said before, I  
3124 think a big piece of what Mr. Griffin has been up to is  
3125 exactly what was intended by the original court decision.

3126 I do think if we are going to be in this space where



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3127 organizations are going to make commitments either through  
3128 third parties or directly that don't pan out to be real  
3129 because there isn't a regulatory framework in place from  
3130 either us or from Congress, we need to do something about it.  
3131 And the reported data on the number of kids who end up not  
3132 landing somewhere is in the thousands.

3133 \*Mr. Veasey. Let me ask you this before my time \_

3134 \*Mr. Baker. And they are \_

3135 \*Mr. Veasey. \_ expires.

3136 \*Mr. Baker. And they are pulled into this thing.

3137 \*Mr. Veasey. Let me ask you this before my time  
3138 expires.

3139 \*Mr. Baker. Okay.

3140 \*Mr. Veasey. And I want to go back to the regional  
3141 rivalries. For any other sport other than football, how is  
3142 what is happening in college sports right now good? Like,  
3143 how are these cross-country \_ these, literally, coast-to-  
3144 coast conference match-ups going to be good, economically or  
3145 for the students, unless it is football-related? Because I  
3146 don't understand that.

3147 And that is my concern, is that we are taking these two

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3148 sports that, you know, quite frankly, that Black males have  
3149 done very well in, football and basketball, and those are the  
3150 two that really are drawing the most concern about what is  
3151 happening in NIL, and we are trying to be very quick to  
3152 regulate those, but there are just many other issues that I  
3153 think need to really be addressed that no one is talking  
3154 about. But all of a sudden, when they start making a little  
3155 bit of money, then all of a sudden we need to just swoop in  
3156 and regulate this, and I \_ and that is my biggest concern.

3157 I think that your concerns are legitimate, but we really  
3158 do need to see if we can get the conversation centered back  
3159 towards the athlete more. Thank you.

3160 \*Mr. Pfluger. [Presiding] The gentleman's time has  
3161 expired. The chair now recognizes the gentlelady from Iowa,  
3162 Mrs. Miller-Meeks.

3163 \*Mrs. Miller-Meeks. Thank you, Mr. Chair. I thank all  
3164 of our witnesses for being here today.

3165 I am not going to claim to be an athlete, and in one of  
3166 the witness's testimonies \_ and thank you all for appearing \_  
3167 you mentioned "talked to athletes.'" So I want to say that I  
3168 have met with more athletes about this issue, both current at

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3169 the University of Iowa, both sexes. I have met with previous  
3170 athletes when they come down to the field, when we do the  
3171 wave at the University of Iowa game. I have met with a  
3172 coach.

3173 And I would also say thank you, Mr. Jackson, for  
3174 bringing your perspective. We have several \_ University of  
3175 Northern Iowa and Drake University \_ although not in my  
3176 district, but certainly within your conference.

3177 And I would also appreciate the comments made by my  
3178 colleague, Representative Veasey, just now. I too have  
3179 concern over the conferences expanding and adding new  
3180 schools, primarily because we are in the Big Ten. So  
3181 Michigan has it partly right, they are blue and gold, and so  
3182 go gold, go Hawkeyes.

3183 But needless to say, when you are traveling those  
3184 distances and you are a college athlete, one of the reasons  
3185 you are there is to get an education. And so for football,  
3186 it is not a big deal to travel for one game on a weekend.  
3187 But if you are in basketball or softball or an Olympic sport  
3188 that is at a college, that is a big deal if you miss class  
3189 the next day when you are on a typical airline, not a

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3190 charter. And I can tell you for the past two weeks, airline  
3191 travel has been chaotic. So that is the concern for student  
3192 athletes, is the travel, the travel burdens, and then their  
3193 educational performance.

3194 And I think, as we look at this \_ and thank you,  
3195 President Baker, I think it is time that the NCAA had some  
3196 framework within this. We are reactive, not proactive, not  
3197 thinking ahead of what the issues and problems are, i.e. you  
3198 mentioned scheduling. Even before the Supreme Court ruling  
3199 we should have been looking at that in a proactive way. But  
3200 as I see this I look at structure, transparency, and level  
3201 enforcement.

3202 So Mr. Baker, I had a question for you, but it was in  
3203 regards to the intersection of congressional action and how  
3204 the lack of a Federal standard was impacting NIL for college  
3205 athletes. But you have already answered that. So my next  
3206 question is going to be for Ms. Tholl and Ms. Page.

3207 There are some who are pushing very strongly to make  
3208 student athletes employees of their institution. As a  
3209 current student athlete, would you want to be an employee?  
3210 Why or why not?

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3211           \*Ms. Tholl. Thank you for the question. I would not  
3212 want to be an employee of my university. There is multiple  
3213 reasons and many questions that race through my mind. And  
3214 some of the first things that come to my head: What if I am  
3215 not performing well enough on the field, can my coaches fire  
3216 me? I will have to pay into insurance plans. Or will there  
3217 be a 401(k) plan? There is so many questions that come to  
3218 mind. Will I be taxed? Will I lose my scholarship? Will I  
3219 be paid minimum wage?

3220           There is so much that goes into it that I think people  
3221 need to be careful what they wish for.

3222           \*Ms. Page. Thank you for your question. I absolutely  
3223 would never want to be an employee of my university. There  
3224 is many reasons about this, but I think this conversation has  
3225 to shift back to the five percent that this could affect or  
3226 could benefit \_ I will say it that way, could benefit. For  
3227 95 percent of student athletes, this would be incredibly  
3228 detrimental to the educational focus of collegiate athletics.

3229           Collegiate athletics is a privilege. They were part of  
3230 the one percent that made it. It is a privilege, and it is  
3231 also voluntary. So I think that is important to note. As

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3232 well as the work and timeload commitments that would happen  
3233 with being an employee, as well as the final \_ financial  
3234 sustainability of our universities.

3235 I love Radford University, and I know that my  
3236 counterparts in the Big South, they love their universities.  
3237 But the final \_ the financial sustainability of being an  
3238 employer would be detrimental.

3239 \*Mrs. Miller-Meeks. And Mr. Griffin, would \_ as an  
3240 employee of a college, would you be okay with being dismissed  
3241 or fired?

3242 \*Mr. Griffin. Well, I think, just like every other  
3243 sports league that makes a similar amount of money or more  
3244 money than college athletics \_ for example, the NFL \_  
3245 employee status for athletes works out just fine.

3246 \*Mrs. Miller-Meeks. Well, that is exactly why I brought  
3247 it up, because aren't you then just making college athletics  
3248 the NFL? So yes, you can be terminated. You can be  
3249 terminated for performance, terminated at will. So if you  
3250 don't throw four touchdowns, you know, four touchdown passes  
3251 in a game, is that okay for you to be terminated?

3252 And what about academic performance? If you are there

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3253 at college to \_ you know, partly to play your sport, but also  
3254 partly to get an education, if you are not academically  
3255 performing what happens to that student athlete? Or if you  
3256 don't show up for class the next day because you are an  
3257 employee and there to play sports? I feel that there is a  
3258 little problematic [sic].

3259 But as Representative Cammack said, I certainly support  
3260 your right, your entrepreneurship. I really enjoy reading  
3261 your history and biography on what you have done and what you  
3262 have been able to propel.

3263 But I have got one more question I want to ask, and that  
3264 is, Ms. Tholl, you detailed your experiences with NIL  
3265 contract negotiations in your testimony. From a student  
3266 athlete perspective, what role do you think Congress should  
3267 play in implementing transparency protections for NIL  
3268 contracts to prevent fraud and deception \_

3269 \*Mr. Pfluger. Let's keep this to about 10 or 15  
3270 seconds, if you don't mind.

3271 \*Ms. Tholl. Thank you. I think that the Congress's  
3272 role is just to make sure that education is brought to all  
3273 universities so student athletes don't go into situations

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3274 blind and are confused with their situation.

3275 \*Mrs. Miller-Meeks. Thank you very much. I yield back  
3276 my time.

3277 \*Mr. Pfluger. Thank you. The gentlelady's time has  
3278 expired. The chair now recognizes the gentleman from  
3279 California, Mr. Cardenas.

3280 \*Mr. Cardenas. Thank you very much, Mr. Pfluger. You  
3281 are just tormenting me. You strike me out every year in our  
3282 annual game. And \_ but here I go. I am really not an  
3283 athlete, I just try to play one once a year.

3284 Thank you very much, Mr. Chairman, for having this  
3285 hearing, and also Member Schakowsky, Ranking Member  
3286 Schakowsky, for having this hearing, as well. It is very,  
3287 very important that we get this discussion out in front of  
3288 the public, who I think is just very, very unaware of what is  
3289 really going on out there not only with our athletes, but  
3290 with the NCAA and all the players and participants involved.  
3291 It is an important topic, and I appreciate this opportunity,  
3292 and thank you for allowing me to waive on to this discussion.

3293 I have an article here on the origins of the NCAA that I  
3294 would like to enter for the record, and it is titled, "Why



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3295 Does the NCAA Exist, ' and it talks about how President  
3296 Roosevelt and some good old boys decided to create the NCAA  
3297 just over 100 years ago because they loved watching college  
3298 football.

3299 The NCAA's student athlete model is collapsing because  
3300 it is built on the faulty premise that college athletes are  
3301 amateurs. The NCAA wants us to believe that March Madness is  
3302 no more than similar pickup basketball games at the local rec  
3303 center than the NBA finals, or that the college football  
3304 playoff is more like a recreational flag football tournament  
3305 than the NFL playoffs. These notions are absolutely and  
3306 totally absurd.

3307 The reality is that college sports generated 16.6  
3308 billion \_ that is with a B \_ in tax-free revenue for the 2021  
3309 and 2022 school year, making it the second highest revenue-  
3310 generating league in the world, right behind the NFL in the  
3311 United States.

3312 Mr. Griffin, are athletes competing in the top rungs of  
3313 collegiate athletics truly amateurs?

3314 \*Mr. Griffin. Only by payment status. But as far as  
3315 how we operate, time, effort, and value created, we operate

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3316 as employees.

3317 \*Mr. Cardenas. Thank you.

3318 Professor Jackson, do you have anything to add to that?

3319 \*Dr. Victoria Jackson. Well, I would just like to point  
3320 out that we have been having a conversation about college  
3321 sports in a vacuum. And many of these sports are global  
3322 sports. And the world abandoned amateurism in the 1980s.  
3323 And the sole reason the United States did not was college  
3324 football. And college football policy, as a result of that,  
3325 has been the policy for all of the other sports. And so the  
3326 kind of deleterious consequences of all of this have been  
3327 playing out. I really appreciated Mr. Veasey's comments  
3328 earlier about this.

3329 So we are tripping ourselves \_ I mean, we are just  
3330 confused by the presence or absence of money, and I think we  
3331 need to get to work. I mean, I \_ Chase Griffin shouldn't  
3332 have to pay for everyone else's experiences. I appreciate  
3333 that he takes great pride in that, but that is a professional  
3334 sport.

3335 \*Mr. Cardenas. Thank you. Thank you very much.

3336 And in 2022 Division 1 universities spent 21 percent of

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3337 their revenue from athletic activities on facilities and  
3338 equipment, 20 percent on coaches compensation, 18 percent on  
3339 compensation for support and administrative staff, 11 percent  
3340 on game expenses and travel, and 14 percent on other  
3341 expenses. Only 15 percent of all operating expenses were  
3342 allocated to athletically-related student aid, and a whopping  
3343 1 percent was spent on medical expenses for college athletes  
3344 at that level.

3345 Further, I find it frustrating that under this  
3346 discussion draft, college athletes would be required to  
3347 report their NIL-based income, while the NCAA executives,  
3348 some of them making millions of dollars a year, are not held  
3349 to the same requirement to disclose their income when they  
3350 are part of the same ecosystem that you, Mr. Griffin, are  
3351 part of.

3352 Mr. Griffin is the NCAA and its member universities  
3353 putting college athletes or their own bottom lines first?

3354 \*Mr. Griffin. I think that Governor Baker introduced a  
3355 good starting-out point and a show of good faith with the  
3356 proposal. It acknowledged that college athletes, especially  
3357 in revenue-generating sports, should be paid, should be

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3358 compensated, and that there is a model that can do this in a  
3359 way that also reconciles itself with title 9. And I think,  
3360 by looking at a new model, it also looks at how we approach  
3361 title 9.

3362 We were talking about how the influx of international  
3363 college athletes may pose issues for domestic college  
3364 athletes. I think we look at our Olympic sports and talk to  
3365 our donors, talk to those, and truly put efforts into  
3366 fundraising ahead of the LA Olympics coming in 2028.

3367 \*Mr. Cardenas. Thank you.

3368 Mr. Baker, would you be in support of the NCAA  
3369 executives reporting their income as NCAA executives, just  
3370 like the bill would require that NIL is actually reported on  
3371 behalf of athletes?

3372 \*Mr. Baker. Just one correction, Congressman. I don't  
3373 think the proposal would have individual athlete  
3374 compensation. I think it is de-identified. The point behind  
3375 it was to create a mechanism that would give all student  
3376 athletes the ability to see what the market looks like  
3377 generally around what people are making under NIL.  
3378 Currently, they can't tell \_

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3379 \*Mr. Cardenas. Okay, and to the question of the NCAA?

3380 \*Mr. Baker. \_ which I think is important.

3381 The answer to your second question is the NCAA is a  
3382 501(c)(3), and files an annual report every single year that  
3383 lists the salaries of all of its senior executives. That is  
3384 publicly available information.

3385 \*Mr. Cardenas. Good. I will lift that up and then  
3386 report it to the committee. Thank you so much.

3387 \*Mr. Baker. Okay.

3388 \*Mr. Cardenas. I yield back.

3389 \*Mr. Pfluger. The gentleman's time has expired. The  
3390 chair now recognizes the gentleman from California, Mr.  
3391 Obernolte.

3392 \*Mr. Obernolte. Well, thank you, Mr. Chairman, and I  
3393 would like to thank the committee for allowing me to waive  
3394 on. This is not a subcommittee that I normally sit on, but  
3395 this is a very important issue for me.

3396 When I served in the California legislature I was the  
3397 ranking member of the Committee on Arts, Sports, Tourism, and  
3398 Entertainment, and I am struck by the fact that 10 years ago  
3399 we had hearings and considered bills on exactly this same

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3400 topic. And here we are, 10 years later, we still have not  
3401 resolved this issue.

3402 Mr. Baker, I would like to ask about something that  
3403 really concerns me, which is this issue of a patchwork of  
3404 state regulations, which I know a number of our panelists  
3405 have mentioned, versus the Federal Government asserting some  
3406 primacy in preempting those state regulations. And here is  
3407 my concern: We are still seeing states pass legislation in  
3408 this space.

3409 In my own state of California we just had a bill a few  
3410 months ago, AB 252, which was the College Athlete Protection  
3411 Act that did things like \_ I mean, worthwhile things, things  
3412 like establishing a degree completion fund that schools were  
3413 required to contribute to, giving student athletes rights  
3414 which I think were hard to argue against.

3415 But the problem is, when we do this on a state-by-state  
3416 basis, my fear is we establish this patchwork of different  
3417 state regulations, and we give unfair advantages to schools  
3418 that are located in states that have less onerous  
3419 restrictions, and that affects the competitive landscape  
3420 among the schools. Is that a concern that you share?

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3421           \*Mr. Baker. It is a concern, and I would actually frame  
3422 it a little differently, which is there are states that  
3423 literally write rules that are designed fundamentally to make  
3424 it easier for them to win in the NIL space, which is not the  
3425 intent of either NIL as it is practiced by Mr. Griffin and by  
3426 others, but is in fact just a mechanism to benefit schools  
3427 around recruiting and inducement.

3428           Look, I think a lot of what we can do around consumer  
3429 protections and around transparency \_ and in some respects  
3430 around institutional involvement and some of these other  
3431 issues \_ could be very effective at sort of normalizing the  
3432 competitive playing field, because, even for a conference  
3433 that is in four or five states, it gets very hard to create  
3434 what I would describe as a level competitive playing field on  
3435 this stuff if everybody has got different rules around how  
3436 NIL works.

3437           But I do think, in the end, we are going to need some  
3438 Federal support there, even if it is limited protection.  
3439 Because otherwise, one of the things I have learned in my  
3440 brief period here is if a member doesn't like a rule that the  
3441 membership made, it is a Federal case, like, the next day,

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3442 and people start spending money on lawyers, and I don't  
3443 really see how that benefits anybody.

3444 \*Mr. Obernolte. Yes, I agree with you. And I mean, I  
3445 think it is pretty clear in our framework of federalism, the  
3446 entity with responsibility for interstate commerce is this  
3447 body, the U.S. Congress. And this is pretty clearly  
3448 interstate commerce. When teams from one school are  
3449 traveling to compete against teams from another school, and  
3450 the \_ everyone involved is making money on the process, I  
3451 think we have an obligation to solve this problem at the  
3452 Federal level.

3453 One other question for you, sir. You had talked in your  
3454 testimony about your opinion that a uniform standard contract  
3455 would be really helpful in providing a low-cost, low-effort  
3456 option to student athletes that perhaps weren't in the high-  
3457 revenue sports. What is the impediment to implementing  
3458 something like that?

3459 \*Mr. Baker. We are currently in the process of working  
3460 that through our bylaw process, and I am hoping to have it in  
3461 place by the time school starts in the fall of 2024.

3462 The only impediment might be that I might end up with



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3463 some \_ the membership could vote on it and everybody could  
3464 agree on it, and then I could have somebody decide that they  
3465 don't like the way my \_ or our uniform standard contract is  
3466 set, and they go to court, file a, you know, lawsuit against  
3467 us, and say that this is unfair, when in fact it is designed  
3468 to actually provide transparency and accountability and  
3469 responsibility to those agents and to student athletes so  
3470 that everybody understands what a basic contract looks like.  
3471 But I could certainly see somebody saying they don't like my  
3472 basic contract, and taking us to court over it.

3473 \*Mr. Obernolte. Sure. Well, I mean, maybe the solution  
3474 to that is to allow people to opt out. You know, if you  
3475 don't like the standard, then you can negotiate your own.

3476 \*Mr. Baker. Well, that is true, too. Good point.

3477 \*Mr. Obernolte. I see I am going to run out of time. I  
3478 just \_ one more thing before I go here.

3479 Mr. Jackson, I just wanted to compliment you, sir.  
3480 Thank you very much for not reading your opening statement.  
3481 It drives us crazy sometimes when it feels like, you know, a  
3482 panelist reads to us, we read our questions back to you. You  
3483 know, you lose that element of human interaction that I think

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3484 is so critical to successful hearings. So thanks for not  
3485 taking the easy way out there.

3486 \*Mr. Jeff Jackson. Thank you for your kind words.

3487 \*Mr. Obernolte. Mr. Chairman, I yield back.

3488 \*Mr. Bilirakis. The gentleman yields back. Now I  
3489 recognize Mr. Griffith for his five minutes of questioning.

3490 \*Mr. Griffith. Thank you, Mr. Chairman, and thank you  
3491 for letting me waive on to this important hearing.

3492 Mr. Baker, I am going to associate myself with the  
3493 comments of Mrs. Lesko and Mrs. Cammack in relationship to  
3494 transgender sports. Women ought to be able to compete  
3495 without men.

3496 And I will tell you that one of my local youth leagues,  
3497 I think, might have actually come up with the right answer.  
3498 There is a women's division and an open division. And it is  
3499 kind of an interesting twist on it. But anyway, I pass that  
3500 on to you, and now I get back to where I planned to go.

3501 Ms. Page, thank you for being here. As the congressman  
3502 who represents Radford University, we are just very proud of  
3503 what you have done in moving up the ranks, getting involved  
3504 in the whole process with the \_ let me see, make sure I get

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3505 the name right \_ the Student Athlete Advisory Committee, and  
3506 then starting off at your own school at Radford, which is a  
3507 wonderful institution, and then moving up. I am going to ask  
3508 you a question in a second, then I am going to give you a  
3509 minute to think about, and then I am going to do a little  
3510 Radford ad, and that is what has not been said or not been  
3511 said enough at this hearing that you would like to emphasize.

3512 That being said, let me go into my Radford ad, and also  
3513 let me say thank you to your director of athletics at  
3514 Radford, Robert Lineburg, for being with you today. We  
3515 appreciate you being here.

3516 So Radford is a great college, university. It is in my  
3517 district. I have a lot of great facilities and universities  
3518 in my district, but I have always held a little bit of a  
3519 special place for Radford because I spent a lot of summers  
3520 there when I was a kid because my single parent mother was  
3521 getting her master's degree in elementary counseling or  
3522 elementary guidance, and she didn't have any place for my  
3523 sister and I, so we hung out at the library. We would walk  
3524 uptown to the Ben Franklin. The Ben Franklin is gone, the  
3525 library is still there. But I remember those summers with

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3526 great warmth, and it is a great institution in the mountains  
3527 of Virginia, not far from the Blue Ridge Parkway and not far  
3528 from the Appalachian Trail. So anybody who has an interest  
3529 in that, you are welcome.

3530           So back to you, Ms. Page. One, I would ask you, has  
3531 your experience been as great as I hope and think most  
3532 students have at Radford?

3533           \*Ms. Page. It absolutely has been.

3534           \*Mr. Griffith. That is what I gathered from your  
3535 actions. Is there anything \_ now back to that original  
3536 question. Is there anything that you think that we should  
3537 have focused on more, or anything that you would like to add  
3538 that either wasn't said yet or wasn't said enough?

3539           \*Ms. Page. Thank you, and thank you for your dedication  
3540 to Radford University. We really appreciate it.

3541           I think one thing that I really want to touch on is just  
3542 going back to the core values of collegiate athletics, the  
3543 education and the integrity of what we are doing. I think  
3544 Ms. Tholl did a really good job of talking about how young  
3545 women and young men and young boys, they look up to  
3546 collegiate athletics. If we create a model where we are

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3547 employees, first of all \_

3548 \*Mr. Griffith. You don't feel like an employee, do you?

3549 \*Ms. Page. I don't feel like an employee. I don't, I  
3550 don't at all, especially since it is a voluntary thing that  
3551 we are doing. We get the privilege of playing collegiate  
3552 sports, and then we get the privilege to make money off of  
3553 our NIL, rather than it just needing to be awarded to us  
3554 because we are there.

3555 I completely agree with the hard work that collegiate  
3556 athletes do. I do it myself. But I think that we really  
3557 need to anchor down on the core values of what we are going  
3558 about, our education. I am getting my education while  
3559 getting to play my sport, not playing my sport with my  
3560 education on the side. So I think that is really important  
3561 for us to continue to talk about, the integrity of college  
3562 sports and the morals behind it.

3563 And then also, just on an NIL standpoint, I think it is  
3564 important for individuals to realize that at a mid-major, I  
3565 personally and my peers are seeking out opportunities. We  
3566 are not necessarily being sought out for opportunities. So  
3567 when you are seeking out for an opportunity, it is ultimately

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3568 so much easier to be taken advantage of. It is so much  
3569 easier when you don't necessarily have a full-staff NIL  
3570 person at your university at your disposal. Compliance?  
3571 They work incredibly hard for collegiate athletics, but they  
3572 can only do so much while managing the rest of an  
3573 institution.

3574 So I think it is really important to realize that mid-  
3575 majors, we \_ I am not saying that it doesn't happen at the  
3576 Power Five, not saying it doesn't happen at that level, but  
3577 at the mid-major we have to realize that the seeking out  
3578 provides vulnerability from a collegiate athlete experience.  
3579 So I think that is really important for us to remember, that  
3580 we have to protect those student athletes within their  
3581 exposure, as well.

3582 \*Mr. Griffith. And in the mid-majors, and even Division  
3583 2, you are not in the same league as somebody playing  
3584 football. No offense to those folks playing football at one  
3585 of the major universities, UCLA, as Mr. Griffin \_ every time  
3586 they say your name, I go, "What?' \_ or even a national  
3587 champion in a sport that is followed heavily on the Olympics,  
3588 whenever the Olympics come up. It is a different world, is

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3589 it not?

3590 \*Ms. Page. Absolutely. It is a completely different  
3591 world.

3592 \*Mr. Griffith. Yes. I thank you very much and  
3593 appreciate you. And you have done a great job here today  
3594 representing your university.

3595 I yield back, Mr. Chairman.

3596 \*Ms. Page. Thank you.

3597 \*Mr. Bilirakis. Thank you. The gentleman yields back.  
3598 Now I will recognize Dr. Joyce from Nittany Lion Country, and  
3599 probably some other schools, as well.

3600 \*Mr. Joyce. Well thank you \_

3601 \*Mr. Bilirakis. You are recognized for five minutes.

3602 \*Mr. Joyce. Thank you for allowing me to waive on to  
3603 this hearing.

3604 I would also like to thank your staff and the committee  
3605 staff for the work that they have done on the FAIR College  
3606 Sports Act ahead of today's hearing.

3607 The unique nature of college athletics is something  
3608 firmly embedded in the American sports psyche, and actually  
3609 it is embedded in our overall culture. Millions of Americans

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3610 have been able to attend college and excel both on and off  
3611 the field because of the opportunities that the NCAA and  
3612 their membership institutions offer.

3613 In the wake of the Alston decision in 2021 and changes  
3614 to NIL policy, the amateur model that has existed at colleges  
3615 across our country is now evolving. As legislators, we must  
3616 examine this issue and the impact of any action that we take  
3617 not only on big teams like the Penn State Nittany Lions, my  
3618 alma mater, but also the ripple effects that this might have  
3619 for Saint Francis University, for Shippensburg, for Juniata  
3620 College, for Mount Aloysius, for Gettysburg College, all  
3621 schools with athletics in my district, and the thousands of  
3622 athletes who compete and go to school at these facilities  
3623 each and every day.

3624 As we hold this hearing today, the NCAA is also facing  
3625 litigation on a variety of issues from transfer portal roles,  
3626 employee status for athletes, to retroactive payments for  
3627 NIL. President Baker, absent action by Congress, if the NCAA  
3628 were to lose the House or the Hubbard cases, does the NCAA  
3629 have a sense of what their liability would be and the impact  
3630 that would have on member institutions?



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3631           \*Mr. Baker. I mean, there is a lot of talk about what  
3632 the impact would be, and there is plenty in the press about  
3633 it. I would hesitate to comment on that because any number I  
3634 give you on the record and in a forum like this I can't speak  
3635 to \_

3636           \*Mr. Joyce. You think there would be significant  
3637 financial payments that might occur?

3638           \*Mr. Baker. Pardon me?

3639           \*Mr. Joyce. Would there be significant financial  
3640 payments that might occur?

3641           \*Mr. Baker. Oh yes, yes, and it would be applied,  
3642 probably, across most of college sports. It wouldn't just be  
3643 "the NCAA.'`

3644           \*Mr. Joyce. Thank you.

3645           At this time I would like to enter into the record a  
3646 letter from D3 Mid-Atlantic Conference schools on employee  
3647 status.

3648           \*Mr. Bilirakis. Without objection, so ordered.

3649           [The information follows:]

3650

3651           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3652

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3653           \*Mr. Joyce. President Baker, similarly, if a judge is  
3654 to declare that athletes are employees, such as in the  
3655 Johnson case, what would that impact be on schools in each  
3656 division?

3657           \*Mr. Baker. Look, I think I have said this before. If  
3658 you just look at the math associated with the fact that most  
3659 schools lose money on sports, if you don't have a big TV  
3660 contract you are investing in sports and investing in student  
3661 athletes. Something like the Johnson case would probably \_ I  
3662 think it would cost us probably half to two-thirds of all the  
3663 college sports programs in the country. And the HBCU's  
3664 letter on this one was incredibly compelling.

3665           \*Mr. Joyce. So half to two-thirds of college athletics  
3666 would be discontinued.

3667           \*Mr. Baker. I think that is about right, yes.

3668           \*Mr. Joyce. What would the impact be on title 9 and  
3669 collegiate Olympic sports?

3670           \*Mr. Baker. I think it would have a huge impact on  
3671 title 9 and collegiate Olympic sports because those sports  
3672 are, in fact, not revenue-producing sports. And schools  
3673 would have to make really hard decisions about which programs

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3674 they \_

3675 \*Mr. Joyce. And overall, do you think those sports  
3676 would be maintained?

3677 \*Mr. Baker. No, not at the same level they are now.

3678 \*Mr. Joyce. Thank you. I would like to turn to the  
3679 FAIR College Sports Act. Section 102 outlines the  
3680 disclosures required by third parties like boosters and  
3681 collectives. Specifically, the disclosure requires a signed  
3682 affidavit that the NIL agreement is not being used as an  
3683 inducement.

3684 President Baker, the NCAA currently has a prohibition  
3685 against inducements, but it is struggling to enforce this  
3686 limitation. Do you think it is important that boosters and  
3687 collectives put pen to paper under penalty of perjury, and  
3688 say that they are not using the NIL agreement as an  
3689 inducement?

3690 \*Mr. Baker. I think one of the most important things we  
3691 need to do here is to separate what NIL is supposed to be  
3692 about from inducements. So I think that is a really  
3693 interesting way to go at it.

3694 \*Mr. Joyce. Thank you. I agree. With only one case

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3695 based on undeniable social media evidence being found, is  
3696 there a need for stronger enforcement, such as the U.S.  
3697 Intercollegiate Athletics Commission proposed by this  
3698 committee?

3699 \*Mr. Baker. I said to the chairman I have other ways of  
3700 thinking about this which we should probably discuss, but I  
3701 certainly appreciated the fact that he took a hard run at  
3702 some very complicated issues in this legislation.

3703 \*Mr. Joyce. I think we are up to this, and I think we  
3704 must face this challenge because college sports, as we know  
3705 them and as we see them, have changed.

3706 I would like to conclude with Mr. Griffin, welcoming you  
3707 and UCLA to the Big Ten.

3708 [Laughter.]

3709 \*Mr. Joyce. Thank you, Mr. Chairman, and my time has  
3710 expired.

3711 \*Mr. Bilirakis. Thank you. Now I will recognize the  
3712 gentleman from Texas, Mr. Pfluger, for five minutes of  
3713 questioning.

3714 \*Mr. Pfluger. Thank you, Mr. Chairman. Thanks for  
3715 letting me waive on.

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3716           Mr. Baker, I think you just referenced a letter from the  
3717 four commissioners that represent the HBCUs. I would like to  
3718 enter that letter into the record, which very \_ in great  
3719 detail outlines the negative impact on employment status.

3720           Mr. Chairman, I would like to recognize into the record  
3721 this letter.

3722           \*Mr. Bilirakis. Without objection, so ordered.

3723           [The information follows:]

3724

3725           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3726

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3727           \*Mr. Pfluger. Thank you. I appreciate our student  
3728 athletes for being here. I was a student athlete at a  
3729 service academy. We don't do NIL, but we were employees, but  
3730 it was of the U.S. military. You know, thanks for being  
3731 here.

3732           Mr. Griffin, I guess I will start with you. You  
3733 consider yourself at this point an employee. I know there is  
3734 a lot of hard work that goes into being an athlete, being a  
3735 student athlete, and you talk about the revenue sharing. Is  
3736 that your stance, you believe in that revenue sharing, you  
3737 want the university to consider you as an employee?

3738           \*Mr. Griffin. Well, I think as far as employee status,  
3739 I operate as one, but that designation is up to the National  
3740 Labor Relations Board.

3741           \*Mr. Pfluger. Is that what you \_ do you \_ are you  
3742 pushing for that? Do you believe that is the direction we  
3743 should go?

3744           \*Mr. Griffin. Well, I think we operate as such, and I  
3745 do push for revenue share. I think in every other aspect or  
3746 industry that is making this amount of money off of a talent  
3747 that produces a product, that talent is compensated fairly.

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3748 And at the school level, we see that there are students in  
3749 other departments that are generating that wealth for their  
3750 schools that are compensated for it, and on the athletic  
3751 department level we see that, all the way from the athletic  
3752 director down to the janitor who makes sure that our  
3753 facilities are clean every day, that they are compensated on  
3754 a fair market price.

3755 \*Mr. Pfluger. And that fair market is tough. And I  
3756 would look to the two ladies on each side of you and I would  
3757 ask \_ I don't know if you know the UCLA softball coach, Ms.  
3758 \_

3759 \*Mr. Griffin. Coach \_

3760 \*Mr. Pfluger. Ms. Inouye-Perez.

3761 \*Mr. Griffin. Yes, that is one of my closest mentors.

3762 \*Mr. Pfluger. I wonder if she would \_ you know, and  
3763 especially Ms. Tholl, who plays softball, you know, if those  
3764 programs in a way \_ with good intentions that we have, that  
3765 is why we are having this hearing, but if we had the  
3766 employment model, if the revenue sharing were to be  
3767 implemented, as we have heard the testimony here, and let's  
3768 say Ms. Tholl's program went away, or Ms. Inouye-Perez, Coach

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3769 Inouye-Perez's program went away, that is the negative impact  
3770 that I think we can have here, and that is the testimony we  
3771 are listening to.

3772 I have three daughters. I want them to be able to have  
3773 experiences. They do look up to the three of you and other  
3774 student athletes, but I think student is very important to  
3775 keep this in [sic].

3776 Commissioner Jackson, you have talked about this ad  
3777 nauseam in your testimony, the concerns that you have. I  
3778 think you quoted \_ I will quote you by saying, "the rapid  
3779 collapse of universities' ability to field non-revenue  
3780 generating athletic programs.'" Do you believe that some of  
3781 the benefits that you are able to provide student athletes  
3782 would be \_ would actually go away and/or lead to increased  
3783 tuition costs?

3784 \*Mr. Jeff Jackson. Without question, I think we would  
3785 see, especially on the side of women's sports and some of the  
3786 Olympic sports, they would go from being varsity Division 1  
3787 sports. And if they existed in any way, they would become  
3788 club sports.

3789 \*Mr. Pfluger. Yes.



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3790           \*Mr. Jeff Jackson. That is not the environment that our  
3791 institutions are looking to provide. We would be contracting  
3792 and restricting opportunities, and that is not what any of  
3793 our institutions would like to see.

3794           \*Mr. Pfluger. With a patchwork of state laws that are  
3795 now governing the way we do this business and creating  
3796 problems, how important is it, Mr. Jackson, that we do  
3797 something now? I mean \_

3798           \*Mr. Jeff Jackson. I think preemption is extremely  
3799 important. I think student athletes should have the ability  
3800 to see rules, and know that they are the same, regardless if  
3801 they are being recruited in state or out of state, and have  
3802 the same expectations of how those rules are going to be  
3803 implemented.

3804           \*Mr. Pfluger. How important are liability protections  
3805 to the universities and to the conferences?

3806           \*Mr. Jeff Jackson. I apologize, could you repeat that?

3807           \*Mr. Pfluger. Liability protections to the universities  
3808 and to the conferences.

3809           \*Mr. Jeff Jackson. Well, you know, I think it is  
3810 important \_ and I have heard President Baker speak to this \_

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3811 that we have the ability to have some help from Congress to  
3812 make sure that, one, when we are making decisions we can  
3813 actually enforce them in some ways that they can do their  
3814 job. Because I think \_ and again, just speaking candidly \_  
3815 sometimes we are his worst enemy. And I say "we," as  
3816 members, in allowing them to actually go about and do their  
3817 job.

3818 So the help that we can get from this body in making  
3819 that happen, we would appreciate as the Missouri Valley  
3820 Conference.

3821 \*Mr. Pfluger. A Federal answer to this is very  
3822 important. As we just noted, Mr. Griffin's school is going  
3823 to the Big Ten, they are in California. You have got  
3824 California laws competing with Michigan laws competing with  
3825 Texas laws. It is not fair. Congress needs to act right  
3826 now.

3827 We have heard a lot about collectives today. I  
3828 represent a district in west Texas. Many graduates go to \_  
3829 many students go to Texas Tech. Their collective, the  
3830 Matador Club, has made a commitment to support the entire  
3831 university. They are doing a very good job, I think. You

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3832 know, this is where we can come in, and I commend their work.

3833           President Baker, in your view, how can collectives  
3834 better interact with student athletes from those non-revenue-  
3835 generating sports?

3836           \*Mr. Baker. I think the most important thing that we  
3837 were talking about in our Project D1 proposal to make sure  
3838 that we do a better job of supporting women's sports is to  
3839 give schools the ability to have a much more direct role in  
3840 this, which, by definition, would make title 9 a much more  
3841 important element to that whole process.

3842           \*Mr. Pfluger. We thank you for being here. This is a  
3843 tough one, you know, but it is a privilege to play sports in  
3844 college, as a former student athlete myself. But we need to  
3845 address this.

3846           Mr. Chairman, thank you for your work on this because  
3847 you are leading the way here, and all three of these student  
3848 athletes that are here and those that represent the  
3849 universities and conferences deserve to have an answer from  
3850 Congress. I appreciate your leadership in trying to get rid  
3851 of this patchwork of laws, to do it in a very rapid,  
3852 efficient way, and have a Federal answer that gives some

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3853 boundaries so that they can compete, they can succeed, and  
3854 they can go into life being the leaders that we know they  
3855 are.

3856 And with that I yield back.

3857 \*Mr. Bilirakis. We are going to get it done together.

3858 And now we will recognize Mr. Carter.

3859 And I am told by staff, Mr. Carter that your jacket is  
3860 out of order.

3861 [Laughter.]

3862 \*Mr. Carter. I am sorry, Mr. Chairman.

3863 \*Mr. Bilirakis. I now recognize you for five minutes of  
3864 questioning, good friend.

3865 \*Mr. Carter. I would expect nothing less from a Florida  
3866 Gator than a comment like that, Mr. Chairman, but I want to  
3867 begin, Mr. Chairman \_

3868 \*Mr. Bilirakis. My friend, Steve Spurrier, will be  
3869 proud.

3870 \*Mr. Carter. Yes, he would be.

3871 \*Mr. Bilirakis. Yes.

3872 \*Mr. Carter. But I want to echo the comments of  
3873 Representative Pfluger, and thank you for your work on this.

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3874 \*Mr. Bilirakis. My pleasure.

3875 \*Mr. Carter. This is extremely important. And no one  
3876 has worked harder than this \_ than the chairman has on this.  
3877 So thank you all.

3878 Thank all of you for being here. This is extremely  
3879 important. In case you didn't know, I am a proud graduate of  
3880 the University of Georgia. Go, Dawgs. And you know, look,  
3881 we take our sports very, very seriously, especially football,  
3882 and \_ but all of them.

3883 I was \_ when I was a student at the University of  
3884 Georgia, it was \_ and you know, I enjoyed the other sports, I  
3885 enjoyed tennis. I got to see John McEnroe play when he was  
3886 at Sanford, he played in Athens. I mean, just the experience  
3887 of \_ and I can only imagine being a student athlete.  
3888 Unfortunately, not only was I short, I was also slow, so it  
3889 didn't work out for me. But nevertheless, it is just a great  
3890 experience, and we want that to stay. And that is why we are  
3891 working so hard on this.

3892 In the FAIR College Sports Act, which is necessary,  
3893 given the current state of the NIL ecosystem, I think it is  
3894 necessary. We can't continue down this same path. I think

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3895 everybody recognizes that. And we can't continue down the  
3896 same path of abuse and the lack of transparency. We talk a  
3897 lot about transparency here in Congress, and it is extremely  
3898 important.

3899       According to my reading of the bill, Mr. Chairman, there  
3900 are three possible ways a student athlete could get crosswise  
3901 with the NCAA: number one, failure to disclose the student  
3902 athlete had signed with an agent; or number two, a failure to  
3903 disclose that the student athlete had signed an NIL  
3904 agreement; or thirdly, a failure to disclose on a quarterly  
3905 basis the receipt of covered compensation like cash. So it  
3906 is extremely important that we address those things and make  
3907 sure that this is not going to happen. There are  
3908 opportunities and guardrails that can enable student athletes  
3909 to better take advantage of their NIL while facilitating more  
3910 competitive sports.

3911       I will start with you, Ms. Page. Let me ask you. The  
3912 NCAA recently adopted many similar requirements such as  
3913 transparency as part of the recent NIL working group. Why do  
3914 you think transparency is important in NIL?

3915       \*Ms. Page. Thank you so much for your question. I

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3916 think transparency is incredibly important in NIL. I have  
3917 heard President Baker say this a ton of times: We have no  
3918 idea what the numbers are.

3919 So speaking from a personal standpoint, if I were to  
3920 want to enter into a deal with a company \_ and once again,  
3921 kind of going back to what I said before about having to seek  
3922 out, rather than being sought out \_ I would like to know what  
3923 another Big South volleyball player is going to make for that  
3924 deal, and being able to compare, and have my own value, and  
3925 be able to negotiate. So I think it is incredibly important,  
3926 since we don't actually know what the numbers are.

3927 \*Mr. Carter. Great. Look, I am a big champion of  
3928 student athletes receiving compensation for their NIL. And  
3929 it was a concern when I was in school at the University of  
3930 Georgia. I graduated in 1980. We won a national  
3931 championship that year. And even then some of the athletes  
3932 were \_ especially football players \_ are saying, you know,  
3933 the school is making all this money off my jersey with my  
3934 name on it, and I am not getting any of it, and I understood  
3935 that point. That is why I am glad to see this is happening.

3936 Commissioner Jackson, I wanted to ask you, how does this

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3937 bill prevent college sporting events from being akin to some  
3938 sort of live action commercial, or of having payments tied to  
3939 meeting performance metrics on the field? That has got to be  
3940 a concern.

3941 \*Mr. Jeff Jackson. I am not \_ I have to be candid.  
3942 Maybe an example? I am not really sure I follow.

3943 \*Mr. Carter. Well, say somebody has a bad game.

3944 \*Mr. Jeff Jackson. Okay.

3945 \*Mr. Carter. Or let me give you an example. What about  
3946 the \_ we played Florida State in the Orange Bowl. And these  
3947 \_ and a lot of the athletes didn't even play in that game. I  
3948 mean, what if \_ are we going to get to the point where we are  
3949 requiring them \_ you got to play in every game, whether you  
3950 want to or not, or are there going to be any \_ how do we  
3951 prevent something like that from happening?

3952 \*Mr. Jeff Jackson. Again, I am not quite sure I am  
3953 grasping the question, sir.

3954 \*Mr. Carter. Well, say a student athlete has got an NIL  
3955 deal.

3956 \*Mr. Jeff Jackson. Yes.

3957 \*Mr. Carter. And that \_ and part of that deal is you



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3958 are going to meet certain metrics. We have got to prevent  
3959 that, haven't we?

3960 \*Mr. Jeff Jackson. Yes, I think \_ yes, I understand  
3961 what you are saying now. What you are saying is we get into  
3962 a situation, in an NIL deal, and student athletes \_ and  
3963 actually, to be quite candid, we are seeing some of this now,  
3964 but in a more nefarious fashion, where we have our student  
3965 athletes participating in NIL deals. If they are not  
3966 performing at a certain level or, for example, they drop down  
3967 in the roster, they don't get compensated. All of a sudden  
3968 that NIL deal becomes fraudulent.

3969 So what you are suggesting \_ and I apologize it took me  
3970 so long to \_

3971 \*Mr. Carter. No, no. I am sorry.

3972 \*Mr. Jeff Jackson. \_ is very much a danger because, as  
3973 much as we have good actors and good outcomes as we are  
3974 seeing here with Mr. Griffin, we also have bad actors and bad  
3975 outcomes.

3976 \*Mr. Carter. Well, what we don't want to happen is pay  
3977 for play.

3978 \*Mr. Jeff Jackson. That is right.

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3979           \*Mr. Carter. I mean, and that is, I think, what one of  
3980 our biggest challenges is, is not to have that. And I just  
3981 \_ I want to make sure that we are putting into effect in this  
3982 bill what we need to in order to prevent that from happening.

3983           President Baker, is there anything we can do to prevent  
3984 that?

3985           \*Mr. Baker. I think the proposal that we made, which we  
3986 call Project D1, which creates an opportunity for D1 schools  
3987 to basically make NIL a little closer to the campus, I think  
3988 NIL on the campus would actually be good for women's sports,  
3989 good for title 9, and also better for transparency and  
3990 accountability, but also to give schools the ability to offer  
3991 enhanced educational benefits to their student athletes.

3992           Look, at the end of the day the most important thing we  
3993 need for all of this is the stuff that you talked about that  
3994 was in our bylaw changes around transparency and  
3995 accountability for students and for those who work with them.  
3996 And the one thing that would really make that stick would be  
3997 support from this government so that we can implement those  
3998 policies, and don't end up in court fighting over whether or  
3999 not we should have policies that make the system more

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4000 accountable and transparent.

4001 \*Mr. Carter. Thank you. I think that is really good  
4002 advice, and exactly what we are looking for. So thank all of  
4003 you. This is extremely important, especially for college  
4004 athletics and for fans like myself. So thank all of you all  
4005 for being here.

4006 \*Mr. Baker. How do you like the scooter?

4007 \*Mr. Carter. I like it.

4008 [Laughter.]

4009 \*Mr. Carter. It gives you an appreciation for people  
4010 with a disability, I will tell you that.

4011 \*Mr. Baker. I bet, yes.

4012 \*Mr. Carter. Yes.

4013 \*Mr. Bilirakis. Well, I thank my good friend from the  
4014 great state of Georgia, and we are concluding here.

4015 I ask unanimous consent to insert in the record the  
4016 documents included on the staff hearing documents list.

4017 In addition to that, we want to include a letter from a  
4018 student in my backyard attending the University of South  
4019 Florida. Go, Bulls. Her name is Sophia, and she plays  
4020 lacrosse, and she shared her perspective, and we appreciate

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4021 that very much.

4022 So, without objection, that will be so ordered.

4023

4024

4025

4026 [The information follows:]

4027

4028 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

4029

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4030           \*Mr. Bilirakis. And then I remind members that they  
4031 have 10 business days to submit questions for the record, and  
4032 I ask the witnesses to respond to the questions promptly.  
4033 Members should submit their questions by the close of  
4034 business day on February 1.

4035           I want to thank you for being so patient with us. The  
4036 panel was outstanding, and I thought it was a very productive  
4037 hearing.

4038           So members, again, should submit their questions by the  
4039 close of business day on February 1.

4040           Without objection, the subcommittee is adjourned.

4041           [Whereupon, at 2:00 p.m., the subcommittee was  
4042 adjourned.]