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**US House Energy and Commerce Committee Hearing
“Winning Off the Field: Legislative Proposal to Stabilize NIL and College Athletics.”**

June 10, 2025

Dear Chairmen Guthrie and Bilirakis, Ranking Members Pallone and Schakowsky, and members of the Energy and Commerce Committee,

Thank you very much for inviting me to participate in the “Winning Off the Field: Legislative Proposal to Stabilize NIL and College Athletics.” hearing on Thursday June 9, 2025. The National College Players Association (NCPA) is a nonprofit advocacy organization with a mission to protect future, current, and former college athletes of all sports.

Please accept this document as my written testimony:

College sports is an \$18 billion dollar industry with multibillion dollar TV deals that pay coaches and administrators multimillion dollar salaries. The NCAA and conferences continues to unjustly deny college athletes basic protections. It’s important for college athletes to have key protections and the freedom to pursue equitable treatment without being excluded from antitrust and labor laws afforded to other Americans.

The Urgent Need for Congress to Ensure Broad-Based Reform

Contrary to the constant drumbeat of college coaches and athletic administrators, recent trends in player movement are not the source of a college sports crisis. Rather, college the lack of enforcement of safety standards to prevent serious injury, abuse, and death among college athletes continues to preventable tragedy upon college athletes and their families.

The NCPA is urges Congress to include broad based reform in any federal legislation related to college sports that includes:

- Enforcement of safety standards and university payment of sports-related medical bills by an independent third party.
- Comprehensive medical coverage for all athletes at high revenue athletic programs.
- Preserve athlete sports participation by prohibiting cuts to aggregate participation opportunities
- Transparency on athletic programs’ compliance with Title IX
- Ensuring athletes have the means to influence policies that affect their well-being
- Protecting athletes from unfair transfer restrictions.

The SCORE Act Draft

The SCORE Act does not include much needed protections and is based primarily off of the unjust House v. NCAA Settlement. The NCPA would like to work with the Committee to help develop a bill that will include broad based reform. Below is a list of concerns that the NCPA has with the SCORE Act:

- The SCORE Act does not include critical, broad-based reform to protect college athletes.
- The SCORE Act would exclude college athletes from equal rights under antitrust and labor law.
 - This would prevent unionization, which could otherwise help bring forth key safety protections.
- The SCORE Act would directly impose a low athlete compensation cap of 22% of revenue instead of the 48-50% of revenue pro athletes earn thanks to their unions.
- Athletes would have no way of knowing whether their pay from a university would exceed the compensation limit, which could subject all athletes on that team to punishments.
- The SCORE Act would permanently eliminate about \$2 billion in athlete NIL pay by gutting NIL collectives, which are the booster-funded organizations that are labeled “associated entities” in this draft. Universities would then re-monopolize this money that could no longer flow to the athletes.
- The Score Act would allow universities to prohibit athlete NIL pay conducted during athletes’ free time if dictated by a school’s contract.
- The Score Act would allow the NCAA and conferences to continue to eliminate athlete roster spots and cut entire Olympic sports.
- The SCORE Act would give the NCAA absolute power to eliminate all athlete transfer freedoms, even when athletes are being abused.
- The SCORE Act would allow institutions to serve as athlete agents as permitted in the House v. NCAA Settlement, which is a major conflict of interest.
- The SCORE Act is silent on its application if private equity firms ultimately operate athletic programs or replace an athletic association.
- And notably, the athlete compensation and benefits included in the SCORE Act are not a gain for athletes because these provisions already exist under state NIL laws and NCAA rules.
- The SCORE Act gives athletes no recourse if a university, conference, and the NCAA breaks the law at the athletes’ expense.

Enforcement of Safety Standards and Payment of Sport-Related Medical Bills

The NCAA holds that it has not duty to protect college athletes. And while it claims to require its schools to pay for sports-related medical expenses, there is no enforcement mechanism for when universities decide not to.

NIL Collectives, the Transfer Portal, and the Myth of Competitive Equity

The NCAA and conferences are claiming that NIL collectives and the transfer portal are destroying college sports. They claim that Congress must pass legislation to put themselves above the law to save college sports. This could not be further from the truth.

First, boosters who fund NIL collectives have always provided athletic programs significant amounts of money to gain competitive advantages. The idea that competitive equity would be achieved by prohibiting boosters from paying athletes NIL is not credible given the same boosters are allowed to pay unlimited amounts of money to hire the best coaches, maintain the biggest recruiting budgets, and build lavish facilities to gain athlete recruiting and retention advantages for the athletic program that they support.

In addition, rich college athletic programs are not sharing athletic revenue with programs with fewer revenue in ways similar to professional sports leagues in the name of competitive equity. They are actually doing the opposite through ruthless conference realignment to gain higher TV revenue and continue their dominance. After securing much more College Football Player off revenue for their member institutions, the Big Ten and SEC conferences are reportedly seeking to gain more advantage by demanding more guaranteed playoff sports in a new structure of a College Football Playoff.

While the current dynamics in college sports may shift competitive advantages from some schools to others, athletes' NIL pay from NIL collectives does not affect boosters' pursuit of competitive advantages that have always existed. Additionally, most would agree that Congress should not intervene on behalf of universities that may want to regain previous competitive advantages. There is no injustice if SMU and BYU become consistent college football powerhouses instead of a couple of the previous football powerhouses in the old system. But there would be tremendous injustice if college athletes were denied an estimated \$2 billion in annual NIL pay from NIL collectives to pretend that competitive equity exists.

The fact is that the conferences' drive to bring NIL collectives "in house" simply means that they want Congress to pass legislation to allow their universities to legally re-monopolize booster money. Antitrust laws and state NIL laws have proven effective at preventing such unwarranted exploitation of college athletes.

The player transfer portals that give coaches headaches is the source of what many describe as instability in college sports. The NCPA is supportive of a more reasonable structure than what is currently taking place. However, the transfer portal by no means is a crisis that demands Congressional action. It's important to note that the athletes did not implement unlimited transfer freedoms or schedule transfer portals in the middle of the football postseason and during spring football – the NCAA did. Instead of changing the transfer portal schedule to make sense, the NCAA scheduled them during the worst periods possible. In addition, universities are already beginning to mitigate athlete movement by signing athletes to contracts that include athlete buyouts if they transfer. Such contracts can be reasonably fair to athletes if the athletes' contracts are guaranteed. To sum up, though they pretend to be helpless on this issue, the NCAA, conferences, and schools are currently equipped to mitigate this matter.

College Athlete Employment Status

Contrary to the NCAA and conferences assertions, college athlete employment is not an urgent issue. There are no active NLRB cases regarding college athletes' right to collective bargaining. The Johnson v. NCAA wage and hour lawsuit will take many years to wind through the federal courts.

Carving athletes out of protections under labor laws would eliminate another avenue that college athletes could secure the safety standards and other much-needed protections that the NCAA and conferences refuse to provide.

Preserving College Sports Participation Opportunities

The NCAA and conferences' claim that they want to prohibit athlete employee status and collective bargaining in order to preserve sports lacks credibility given they entered into the *House v NCAA* preliminary settlement agreement to needlessly cut sports rosters. Universities can and should directly compensate college athletes without being required to cut sports. To date, at least ten states have adopted laws allowing colleges to directly pay NIL money to their athletes. These laws and executive orders do not require universities to cut rosters. One must conclude that preserving sports is not their concern, but stripping athletes of their rights under the law is. Unless Congress takes action, the NCAA and conferences can continue cutting roster spots and continue on to cut Olympic and women's sports as permitted by the House v. NCAA settlement.

Why Congress Must Act Urgently to Address the Exploitation of College Athletes

The NCAA asserts it has no duty to protect college athletes:

<http://www.washingtontimes.com/news/2013/dec/18/court-filing-ncaa-denies-legal-duty-protect-athlet/>

Bucknell football player Calvin Dickey Jr. Dies in Football Workout:

Parents say Bucknell lacked emergency plan and son died a preventable death.

https://www.espn.com/college-football/story/_/id/44494058/parents-dead-football-player-calvin-dickey-jr-sue-bucknell

University of Maryland admits negligence in death of football player Jordan McNair:

<https://www.cnn.com/2018/09/22/us/maryland-jordan-mcnair-death-report/index.html#:~:text=University%20has%20taken%20responsibility&text=Loh%20apologized%20to%20McNair's%20family,on%20that%20fateful%20workout%20day.>

UC Berkeley admits negligence in death of football player Ted Agu:

https://www.espn.com/college-football/story/_/id/14682233/university-california-admits-negligence-2014-death-lineman-ted-agu

Ex-San Jose State athletic trainer pleads guilty to sexually assaulting female athletes

<https://www.usatoday.com/story/news/investigations/2023/08/15/scott-shaw-ex-sjsu-trainer-pleads-guilty-groping-female-athletes/70596967007/>

“Coach Makes the Call: Athletic trainers who butt heads with coaches over concussion treatment take career hits”

<https://www.chronicle.com/article/coach-makes-the-call/>

National Athletic Trainers Survey Results:

18.73% reported a coach playing an athlete who had been deemed medically ineligible for participation

<https://www.nata.org/press-release/062619/only-half-collegiate-level-sports-programs-follow-medical-model-care-student>

NCAA survey: half of athletic trainers admit to returning athletes to same game:

<http://www.cbssports.com/college-football/news/why-the-ncaa-wont-adopt-concussion-penalties----at-least-not-yet/>

NCAA won't punish coaches that force an athlete to return to the same game:

<https://www.washingtontimes.com/blog/screen-play/2013/jul/20/internal-ncaa-emails-raise-questions-about-concuss/>

“1 in 4 college athletes say they experienced sexual abuse from an authority figure, survey finds”

<https://www.usatoday.com/story/news/nation/2021/08/26/college-athlete-report-sexual-assault-common-survey/8253766002/>

NCAA Sports Administrators and Coaches Paid Lavishly While Athletes Suffer

Head football coaches' salaries top \$13 million dollars with a maximum buyout of \$118 million:

<https://sportsdata.usatoday.com/ncaa/salaries/football/coach>

Texas A&M paid \$76 million just to fire a football coach for poor performance:

<https://www.nytimes.com/athletic/5056311/2023/11/12/buyout-jimbo-fisher-contract/>

Head men's basketball coaches' salaries top almost \$9 million with a top buyout of almost \$43 million:

<https://sportsdata.usatoday.com/ncaa/salaries/mens-basketball/coach>

Athletic director salaries top more than \$3 million:

<https://www.usatoday.com/story/sports/college/2024/08/29/tennessee-danny-white-salary-athletic-director/74995735007/>

NCAA and Power 5 conferences agree to unnecessarily cut sports rosters

“Part of the pending agreement would set new limits for the maximum roster size of every Division I NCAA-sponsored sport, reducing D-I opportunities by at least 4,739 if the settlement is approved.”

https://www.espn.com/college-sports/story/_/id/42273737/college-athletes-face-national-signing-day-amid-uncertainty-new-roster-limits

Thank you again for the opportunity to participate in this hearing and I am committed to working with you in continuing discussions on this issue and other issues concerning college athletes' well-being.

Sincerely,

Ramogi Huma
NCPA Executive Director