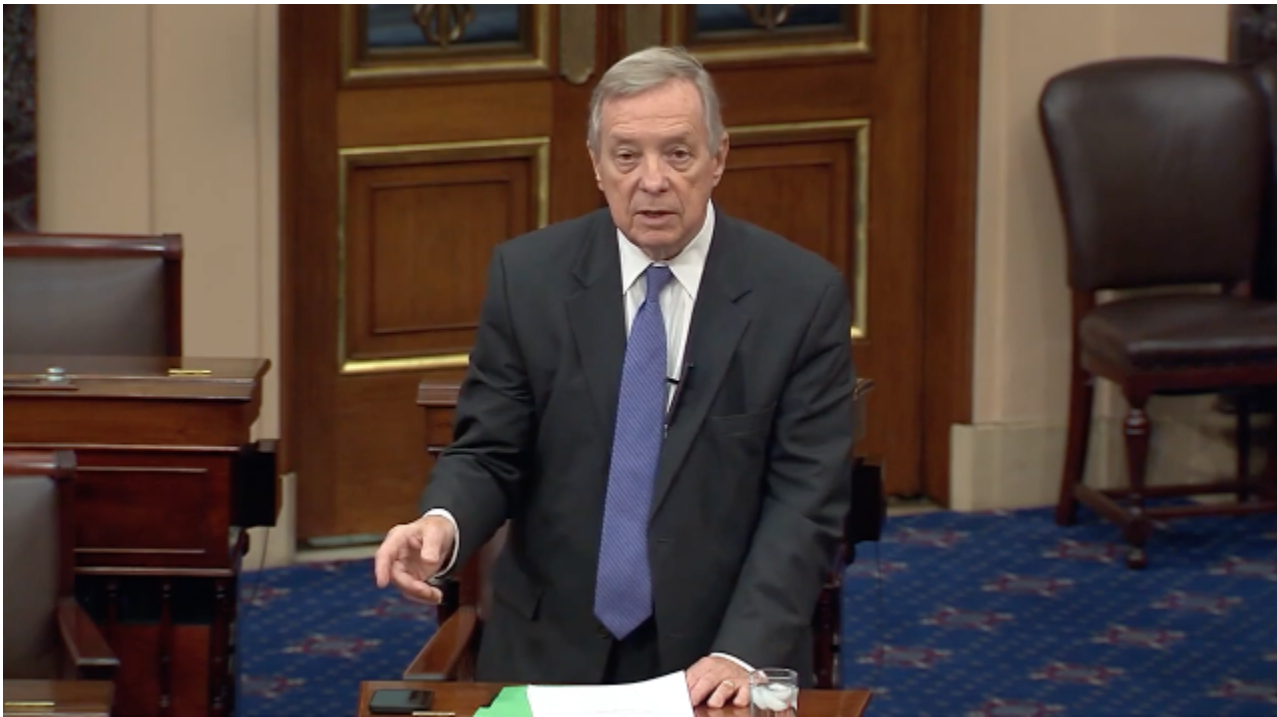


# **Durbin Issues Statement On Hearing On Name, Image and Likeness, And Future Of College Sports**

October 17 2023 2:04 PM



CHICAGO – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, today released a statement for the record for the Senate Judiciary Committee hearing entitled “Name, Image, and Likeness, and the Future of College Sports.”

Today’s hearing will examine different federal name, image, and likeness (NIL) legislative proposals and seek to establish what is truly in the best interests of college athletes.

Durbin said: “College sports is a big business that generates big profits. Over the past 20 years, college sports revenue has grown from \$4.3 billion to \$16.6 billion—an increase of 400 percent. And that number continues to grow.”

“Yet, little of this money has made its way to the athletes who made these record-breaking profits possible. Until recently, NCAA rules not only prevented college athletes from receiving compensation for their participation in sports, they also prohibited those athletes from profiting off their name, image, and likeness, or NIL, rights.”

“That all changed in July 2021. Following the Supreme Court’s unanimous ruling in *NCAA v. Alston* that the NCAA could not limit education-related payments to student-athletes, and in the face of state laws soon to take effect that would allow college athletes to profit off their NIL rights, the NCAA changed course. It abandoned its prior prohibition and, for the first time, allowed athletes to remain eligible while receiving NIL compensation.”

“But there are some downsides. There have been reports of collectives and others that attempt to take advantage of college athletes, including through extremely high commissions and onerous payback terms.”

“That is why the Committee has convened a panel of seven witnesses with unique perspectives on the issue of NIL. They will testify about the impact NIL has had on college athletics, including what it means for competitive balance, gender equity, and Title IX. They will also testify about the impact NIL has had on the lives of college athletes.”

“NIL has opened a new door for college athletes to benefit from the value they bring to their schools and communities. We should embrace this change, while recognizing the potential pitfalls it brings with it.”

“I appreciate the work of many of my colleagues—including several on this Committee—who have introduced bills to address NIL in college sports. As we consider today’s testimony and these bills, we must focus on what is in the best interests of college athletes.”

Full text of Durbin’s statement for the record is available [here](#).

In recent years, there has been a significant push by the National Collegiate Athletic Association (NCAA), athletic conferences, and members of Congress to set a federal standard for the use of college athletes’ NIL rights.

Traditionally, college athletes were not permitted to profit from their NIL without running afoul of NCAA rules. However, the Supreme Court's June 2021 unanimous decision in *NCAA v. Alston* found that the NCAA violated federal antitrust law when it attempted to limit education-related payments to college athletes. Following the ruling and in the face of pending state laws allowing college athletes to profit from their NIL, the NCAA abandoned its prior approach to NIL and instead adopted a policy largely deferring to state NIL laws. This has led to a patchwork of NIL rules across the nation.