

Opening Statement of Ranking Member Mark DeSaulnier (CA-10)

Subcommittee on Health, Employment, Labor, and Pensions

Game Changer: the NLRB, Student-Athletes, and the Future of College Sports

Tuesday, April 8th, 2025 | 10:15 a.m.

Thank you, Mr. Chairman, and I want to thank all the witnesses for being here today.

As I mentioned during the hearing we convened on this subject last March, college athletes should be treated like people, first and foremost, and students – not just sources of revenue for their colleges and universities. We should stand with them, ensure their well-being, and reject any effort to strip away their right to organize and collectively bargain if necessary.

Organizations like the National Collegiate Athletic Association (NCAA) boast massive revenues from the hard work of college athletes, while these college athletes are often taken advantage of and mistreated. College athletes put in long hours on top of their classes, homework, extracurriculars, and even a job – if they are permitted to have one.

In the 2023 to 2024 fiscal year, the NCAA raked in almost \$1.4 billion in revenue, a \$91 million increase from the prior year. And in 2023, Division I schools spent over \$3.6 billion on coaches' salaries, making up the largest spending category of these schools' athletic finances. College athletes are understandably looking for ways to level the playing field and gain more of a voice.

Unfortunately, some of my colleagues have pushed to unilaterally prevent any college athlete from being designated as an employee. This measure would essentially grant the NCAA a blank check to avoid all responsibility for employment liability and allow rampant mistreatment of athletes without recourse.

Additionally, providing any special carveout to the NCAA where college athletes would be exempt from employee classification would inevitably rob athletes of rights to which they are entitled, while also creating a new category outside of traditional employment that would be ripe for exploitation and abuse.

We should not be in the business of creating loopholes that allow athletes to be exploited, potentially harming their health and safety.

Many of us on this side are not advocating to broadly classify all college athletes as employees. We recognize that there is a large spectrum of college athletics and that some programs have greater resources and exert more control over athletes than others. I'm particularly concerned about money and support from the major sports, football and basketball, to minor sports, which are such a big part of the college environment and athletics. That is why, in many ways, our existing labor and employment laws are rooted in a fact-specific analysis. This is a complicated issue that only grows more complex as the years go on and the college sports industry gets bigger and bigger.

That being said, if an athlete meets the legal standard of being an employee as set out in the Fair Labor Standards Act and the National Labor Relations Act, then that athlete should be afforded the same considerations and protections of any other employee – including the protected right to form a union and bargain for better conditions and a greater share of the product – which is enormous – of their labor.

Even President Trump-appointed Supreme Court Justice Brett Kavanaugh stated, “College and student athletes could potentially engage in collective bargaining or seek some other negotiated agreement to provide student athletes with a fair share of the revenues that they generate for their colleges.”

College athletes should be treated with fairness and dignity. I hope we can have a constructive conversation about this today. As I’ve said, it’s complicated. One rule doesn’t apply – except that if you’re clearly an employee by federal law, then you *are* an employee.

Finally, I think it’s important to acknowledge the broader context in which this hearing is happening:

Last month, the President issued an executive order dismantling the Department of Education and cutting its workforce in half. This decision seems bound to impact the Department’s work administering student loans and Pell Grants, among other key areas.

In the coming weeks, my Republican colleagues on this Committee are likely to cut critical student loan programs – hopefully, they will not – to help finance their multi-trillion dollar tax cut for the wealthy.

In the next month or so, college students will be graduating and entering a working world that is currently being thrown into chaos thanks to the Administration’s regressive tariffs that economists fear could spur a recession.

College athletes – and all college students and their families – could suffer real harm from these decisions. We must be thoughtful when we make these decisions. And we cannot divorce the conversation we’re having today from the policies being pursued by the Administration.

I thank the Chair and yield back the balance of my time.