

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

Joint Subcommittee on Health, Employment, Labor, and Pensions and Higher Education Workforce
Development Hearing

"Safeguarding Student-Athletes from NLRB Misclassification"

2175 Rayburn House Office Building

Tuesday, March 12, 2024 | 10:15 a.m.

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

The labor movement delivered our nation's most necessary protections for workers, including minimum wage, workplace safety laws, and the five-day workweek.

This shifted power from unscrupulous employers, not all employers, who profit off the backs of workers – to giving employees an opportunity to join together for higher wages, better benefits, safer workplaces and protect themselves and their families.

As much as I enjoy reminiscing about my days in college and college athletics, I can't remember that much about it but I vaguely remember leather helmets. Without face masks by the way. The world of college sports is vastly different now than it was then. Today, the collegiate sports industry rakes in billions of dollars, yet college athletes – who are the reason the industry is so popular— do not fully share in this profitable industry.

And at the same times, many college athletes are exploited and lack basic health and safety protections. Some have even experienced food insecurity and homelessness.

Against this backdrop, college athletes are understandably looking for ways to level the playing field and gain a more equal voice. That's what this is about; and we should keep that front and center during today's hearing. The world's changed in many ways and has certainly changed since when myself and the Chairman, although he was more recent than I, were participating in college athletics. So, we have to understand that reality and I think that is what all of us are grappling with here today.

The Dartmouth men's basketball team recently came together and voted to form a union. And they were found eligible to do that by the National Labor Relations Board. They are trying to ensure they can advocate for safer

playing conditions, among other priorities. Contrary to what we might hear today, their efforts do not mean the end of college athletics. The sky is not falling.

Even conservative Trump-appointed Supreme Court Justice Brett Kavanaugh agrees, and two years ago he said, “the NCAA business model would be flatly illegal in almost any other industry in the United States.” And he continued, “College and student athletes could potentially engage in collective bargaining or seek some other negotiated agreement to provide student athletes a fair share of the revenues that they generate for their colleges.” Justice Kavanaugh.

Similar to athletes at other NCAA Ivy League schools, Dartmouth players only receive need-based scholarships. And while the team generates a considerable amount of revenue for their university, players have no say in their practice schedules, and manage part-time jobs to pay their bills, and pay high out of pocket costs for serious injuries from practice and games.

Athletes should be treated like people not just sources of revenue for their colleges and universities. We should stand with them and help them get the support they need in this new world of college athletics. I hope we can have a real and meaningful conversation today and not have this hearing turn into an attack on labor unions.

I now yield to Mr. Owens for his opening statement.