

Senator Dick Durbin
Chair, Senate Judiciary Committee
Written Questions for Trinity Thomas
Gymnast, University of Florida
October 24, 2023

1. You have experienced the evolution of name, image, and likeness (NIL) in college sports, and personally benefitted from college athletes' ability to profit from their NIL rights. Additionally, as a highly successful athlete that has partaken in NIL activities in various forms, you provide a valuable perspective and insight into the system.

a. What impact has the ability to profit from your NIL rights had on your life?

One of the biggest opportunities collegiate gymnastics has given me is the ability to benefit from the changes in NIL policies that have recently come to college athletics. The first year that student-athletes had the ability to take advantage of NIL, I was able to get iPads for my younger siblings as Christmas gifts, kids' gymnastics camps had the ability to promote the fact that I would be coming to work with them, I worked with companies to support women's sports, and more. I am grateful for these opportunities, as well as the chance to build financial independence while still being a student-athlete. Ultimately, I was given the opportunity to begin setting myself up for success beyond my collegiate career.

b. How, if at all, would you like to see the current approach to NIL in colleges sports changed going forward?

I believe a federal NIL policy is needed that applies to all student-athletes, in all sports, at every level. This will create equal opportunity for all student-athletes to benefit from NIL and will create a uniform standard to ensure we're all playing by the same rules and eliminate confusion and unfair advantages. One of the parts of NIL that makes it difficult and confusing for student-athletes is the varying laws and regulations in place from state to state. In some cases, the different laws also place certain student-athletes at a disadvantage depending on where they go to school.

A federal law will also have the benefit of ensuring the future of sports like gymnastics are protected. The SEC is one of the nation's hotbeds for showcasing and developing Olympic talent, and it would be a huge loss that would be felt well beyond just college athletics if these sports were put at risk due to any future legislation that might come from one state or another.

Protecting the future of my sport, and the dozens of other sports that help develop future Olympians should be a top priority. Not only do women's and Olympic sports at the college level help young women like me receive a college education, but they also help

athletes benefit from the very same NIL opportunities I have experienced during my time as a student-athlete at Florida.

I also believe that NIL has become a recruiting tool that creates an unlevel playing field in college athletics and would support efforts to keep NIL out of recruiting.

c. How difficult is it for current and prospective college athletes to understand and stay on top of the different state laws addressing NIL?

It took me and many of my fellow athletes significant time to learn how to navigate the waters of NIL, and everybody is still learning as we go, given it is new and uncharted territory. Not only do the varying laws and regulations that are in place from state to state make it difficult and confusing to navigate, but you are also learning the ropes of becoming an entrepreneur, interviewing and signing with agencies, negotiating and reviewing contracts, focusing on building your own brand, all while balancing school and competition.

Eliminating the confusion caused by a patchwork of state laws and regulations would take one of these issues off the table and that's why I support the establishment of a uniform, federal NIL policy.

d. What has your process been for finding and securing NIL deals?

Many of my deals have come to me or my agents. Most times my agents and I negotiate changes that we would like to see from there. Other times, I seek out businesses that I am interested in working with and see what their interest levels are from there.

e. Have you worked with an NIL collective? If so, what was your experience like?

I've had very little experience working with the Florida Victorious which is the collective that works with the University of Florida student-athletes. They mostly worked with football and basketball and had some events and things that they invited other sports to. They just onboarded the entire gymnastics team this month.

f. What is your view on the role played by collectives in college sports and whether there needs to be more regulation around these entities?

The collectives seem like an amazing thing for student-athletes from an outside perspective. However, I do think that there need to be more rules and regulations surrounding them. For example, I don't believe that collectives should be permitted to use NIL to recruit student-athletes.

2. As Congress considers potential legislation to regulate college sports, please answer the

following questions.

- a. **In 2022, the Power 5 conferences reported a combined \$3.3 billion in revenue. Should athletes in Power 5 conferences be subject to the same rules with respect to NIL, revenue sharing, and employment status as athletes in non-Power 5 conferences? Why or why not?**
- b. **In the past few years, the Big Ten (seven years, \$7 billion), SEC (ten years, \$3 billion), and Big 12 (six years, \$2.28 billion) signed massive media-rights deals driven largely by the rights to air the conferences' football games. Should football players in Power 5 conferences be subject to the same rules with respect to NIL, revenue sharing, and employment status as athletes in other sports and conferences? Why or why not?**
- c. **In 2016, the NCAA extended its contract with Turner Sports and CBS to broadcast the men's college basketball tournament. The extension was for \$8.8 billion over eight years. Should men's basketball players be subject to the same rules with respect to NIL, revenue sharing, and employment status as other athletes? Why or why not?**
- d. **What other distinctions, if any, should Congress make when crafting rules for NIL, revenue sharing, and employment status for college athletes?**

NIL: I believe federal NIL policies should be uniform for all student-athletes to avoid confusion.

***Revenue Sharing:** Any revenue sharing should be carefully executed to ensure it does not eliminate current opportunities for students to compete in college athletics by shifting funds that currently sustain non-revenue and women's sports programs.*

***Employee Status:** I do not believe that student-athletes should be deemed employees of the institutions we represent as athletes. We are students first and foremost, who have the opportunity to compete and train at an elite level and receive tuition and other benefits that allow us to thrive in balancing both academics and competition. I worry that categorizing us as employees rather than students who embrace the opportunity to simultaneously compete in college athletics would upset that balance and force us to put sports ahead of academics when that should be a decision of our own.*

Senator Sheldon Whitehouse
Senate Judiciary Committee Hearing
Name, Image, and Likeness, and the Future of College Sports
Questions for the Record
for Trinity Thomas, Gymnast, University of Florida
Submitted October 24, 2023

1. Student-athletes are young and have little experience with contract negotiations, leaving them vulnerable to bad actors who attempt to take advantage of them in one-sided NIL contracts.

- a. Who should be responsible for ensuring that student-athletes are protected from exploitation?

While I do not personally have a position on who should be responsible for this, I think there is a role for the universities and athletic departments to play in regard to providing resources, financial literacy training, and other guidance for students related to the negotiation of NIL contracts. I also believe that the regulation of agents representing student-athletes and transparency around agents and NIL deals is appropriate.

- b. What processes or regulations are necessary to ensure student-athletes do not fall victim to predatory business practices?

I support transparency and oversight to ensure agents are acting in the best interests of the college athletes they represent.

2. Star athletes playing collegiate men's football and basketball at dominant institutions have secured the majority of NIL deals.

- a. To what extent should Congress or the NCAA try to create NIL regulations that promote NIL deals for all student-athletes, not just the star players?

I support efforts to create more NIL opportunities for a wide array of student-athletes, and also educate student-athletes on how to create opportunities for themselves.

- b. To what extent should Congress or the NCAA try to create NIL regulations that promote NIL deals for teams that do not generate revenue for their universities?

I support efforts to create more NIL opportunities for a wide array of student-athletes, and also educate student-athletes on how to create opportunities for themselves.

- c. How can Congress or the NCAA ensure fairness and equity between men's and women's collegiate athletics in securing NIL deals?

Title IX should certainly apply to university involvement with NIL. I am not a policy expert, but as I said in my testimony, as a female athlete I feel like I have to do a lot more work in the NIL space to receive what I feel like I deserve. I support efforts to ensure there are more and equal opportunities for female student-athletes.

3. It is important that we protect the health and safety of student-athletes. Injuries are very common in collegiate athletics, and some injuries recur or manifest later in an athlete's life.
 - a. Should there be a fund to pay for medical care for former student-athletes whose injuries can be traced back to their collegiate careers, even if those injuries manifest later in life?

Healthcare coverage is an important benefit that my university currently offers to its students and I welcomed the recent NCAA announcement that it will soon offer college athletes two years of post-eligibility injury insurance coverage. Lifetime coverage for sports-related injuries would be a great benefit.

- b. If so, how should the fund be structured and what other important considerations should be kept in mind when creating such a fund?

Any fund established for lifetime insurance coverage should be carefully executed to ensure it does not eliminate current opportunities for students to compete in college athletics by shifting funds that currently sustain non-revenue and women's sports programs.

**Senator Grassley's Written Questions for Trinity Thomas
Senate Committee on the Judiciary
Hearing on "Name, Image, and Likeness, and the Future of College Sports"
October 17, 2023**

1. What transparency requirements should be imposed upon athletes, colleges, conferences and collectives with respect to NIL agreements?

Transparency and disclosure of NIL agreements would aid student-athletes in negotiating their own agreements and would be useful in ensuring that NIL deals are indicative of a students' actual NIL value, rather than simply serving as a recruiting inducement.

2. What safeguards do you believe are needed to ensure student-athletes are protected from unfavorable contracts?

I believe there is a role for the universities and athletic departments to play in regard to providing resources, financial literacy training and other guidance for students related to the negotiation of NIL contracts that will help student-athletes navigate the NIL landscape. I also believe that the regulation of agents representing student-athletes and transparency around agents and NIL deals is appropriate, including transparency and oversight to ensure agents are acting in the best interests of the college athletes they represent.

3. Several bills dealing with NIL have been introduced in the House and Senate. Which bill or bills do you support? Why? Which bill or bills do you oppose? Why?

I have not independently assessed each of the NIL bills, but I support efforts to provide a federal NIL policy that applies to all student-athletes in all sports at every level. This will create equal opportunity for all student-athletes to benefit from NIL and will create a uniform standard to ensure we're all playing by the same rules and eliminate confusion and unfair advantages. One of the parts of NIL that makes it difficult and confusing for student-athletes is the varying laws and regulations that are in place from state to state. In some cases, the different laws also place certain student-athletes at a disadvantage depending on where they go to school.

A federal law will also have the benefit of ensuring the future of sports like gymnastics are protected. The SEC is one of the nation's hotbeds for showcasing and developing Olympic talent, and it would be a huge loss that would be felt well beyond just college athletics if these sports were put at risk due to any future legislation that might come from one state or another.

Protecting the future of my sport, and the dozens of other sports that help develop future Olympians should be a top priority. Not only do women's and Olympic sports at the college level help young women like me receive a college education, but they also help athletes benefit from the very same NIL opportunities I have experienced during my time as a student-athlete at Florida.

Finally, I believe a federal law should ensure that student-athletes do not become employees of the institutions we represent as athletes. We are students first and foremost, who have the opportunity to compete and train at an elite level and receive tuition and other benefits that allow us to thrive in balancing both academics and competition. I worry that categorizing us as employees rather than students who embrace the opportunity to simultaneously compete in college athletics would upset that balance and force us to put sports ahead of academics when that should be a decision of our own.