

Ohio State Athletic Director Gene Smith Testifies In Support Of Federal NIL Legislation



Ohio State athletic director Gene Smith took part in a House Committee on Small Business hearing on Wednesday in Washington D.C., testifying in support of federal legislation for name, image and likeness.

The hearing, meant to analyze NIL's impact on college athletes, saw Smith testify alongside TCU athletic director Jeremiah Donati, College Football Players Association vice president Madeline Salamone and former Heisman Trophy winner Gino Torretta, who played quarterback at Miami (Fla.) from 1989-92.

In his opening statement, Smith said "Congress needs to enact NIL legislation as soon as possible," adding that an effective bill would include a national NIL standard, NIL agent registration, standard contracts, prohibition of inducements, a public NIL registry and strong enforcement measures.

He said over 420 student-athletes at Ohio State has at least one NIL deal, with student-athletes having made over 2,000 NIL deals, with football and women's volleyball making the most, and most of those activities include social media engagements (44 percent), royalty payouts (24 percent), public appearances (nine percent) and autographs (two percent), among others.

While Smith reiterated that he believes NIL is "beneficial to the student-athlete experience," he said the implementation of NIL - which was put in place on July 1, 2021 - has "not been without challenges."

"When NIL was sanctioned by the NCAA, 'bad actors' emerged seeking personal gain from their ability to influence a young person and/or a family regarding an institution," he said. "This has always been a challenge, but NIL has allowed this behavior to be more aggressive. In professional sports, drafts preclude this issue, but the collegiate model relies upon recruiting, not drafting.

"For example, student-athletes and their parents visit campuses at the expense of those universities to evaluate where they may make a commitment," he continued. "A practice of asking a school for a fee to simply visit campus has emerged; asking for \$5,000 just to visit has become common. During visits, discussions now emerge regarding how much a student-athlete can expect from NIL."

Smith issued support earlier this year for the Student Athlete Level Playing Field Act, a bipartisan bill that was introduced in Congress in May to create a federal standard for NIL in college athletics. Since NIL was introduced, Smith has argued for more guardrails considering that several states - as many as 18, according to Smith - have different laws around NIL, leading to a lack of clarity around rules and

some “bad actors” taking advantage of student-athletes.

“In worst case scenarios, student-athletes have been offered lucrative NIL ‘promises’ that have not materialized once they arrived on campus,” he said. “In other cases, verbal NIL offers have been tendered to elite student-athletes to entice them to leave one institution and transfer to another based on a lucrative verbal NIL inducement.

“Some of the NIL deals fall apart and families and student-athletes are left with empty promises and no recourse. Some have sought legal support. ... Many states have created legislation to support their institutions NIL activities, but there is no uniformity to these state laws. As you all know, there is no federal law regarding NIL.”