



**Opening Statement for the Honorable Linda Sanchez, Chairwoman Subcommittee on Commercial and Administrative Law for the Oversight Hearing on the National Football League's System for Compensating Retired Players: An Uneven Playing Field?
June 26, 2007**

Due to the numerous press accounts concerning the National Football League's treatment of its retired players and the injuries many former players have suffered, we are holding today's oversight hearing to provide Congress the opportunity to consider the complex process that must be navigated in order to obtain disability benefits. Specifically, the hearing will explore whether the process can be improved or streamlined. Additionally, we will explore the various requirements of the retirement plan including, in certain circumstances, arbitration determined benefits.

This hearing is also part of the Subcommittee's larger examination of the role and impact of arbitration as an alternative dispute resolution. In the 109th Congress, Mr. Cannon chaired a Subcommittee hearing examining how sports agents representing NFL players can be decertified under the NFL's Collective Bargaining Agreement and how a neutral arbitrator ultimately presides over a sports agent's appeal. And earlier this month, we held a hearing on mandatory arbitration agreements in consumer contracts.

After announcing this hearing and subsequent research, it has become clear that the NFL disability and pension benefits plan has sparked a significant amount of passionate critics. The various stories relayed by the retirees demonstrate concern not only with how the plan is structured, but also about how it is administered.

The NFL is considered to be the most brutal major American professional sports league: half of all players retire because of injury, sixty percent of players suffer a concussion, at least one quarter of players suffer multiple concussions, and nearly two-thirds suffer an injury serious enough to sideline them for at least half of a football season.

To be sure, these retired football players not only chose this career, but they actually dedicated themselves to training and competing for jobs in this elite sports league — knowing full well about the game's violent nature. I've heard from many former players who said they would still choose to play football, even knowing of the physical toll the game took on them.

However, only 284 former players out of nearly 10,000 currently receive long-term disability benefits. That translates to less than 3% of retired players, a very small number for any industry, much less one as physically demanding as professional football. The fundamental question then becomes whether this disability process is fair for the retired employees of the NFL. The evidence suggests that the vast majority of former players needing benefits do not receive them. What is even more troubling is that through projects such as NFL Films the NFL continues to profit off those very same players who are denied benefits.

Essentially, is the NFL, a multi-billion dollar organization, fairly treating the employees who built it?

I was heartened to learn last week that the NFL and NFLPA have reportedly taken steps to make it easier for some disabled retired players to collect disability benefits. As initially reported, a retiree who has qualified for a Social Security disability benefit would automatically qualify to receive an NFL disability benefit as well. While I hope this eliminates some red tape in the process, I am reserving judgment as to whether retired players will actually benefit until I have an opportunity to carefully review this change.

To help us learn more about this issue, we have several witnesses with us this afternoon. We are pleased to have Dennis Curran, Senior Vice-President and General Counsel for the NFL Management Council; Douglas W. Ell, a principal at Groom Law Group and today's representative for the NFL Players Association; Martha Jo Wagner, a member of the Employee Benefits and Executive Compensation Group of Venable LLP law firm; Cyril Smith, partner at Zuckerman Spaeder and lawyer for the late former NFL player Mike Webster; Mike Ditka, television commentator and former NFL player and coach for the Chicago Bears; Harry Carson, former NFL player for the New York Giants; Curt Marsh, former NFL player for the Oakland Raiders; and Brent Boyd, former NFL player for the Minnesota Vikings.

Accordingly, I look forward to hearing today's testimony.