

116TH CONGRESS
2D SESSION

S. 5062

To protect the rights of college athletes and to establish the Commission on College Athletics, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2020

Mr. BOOKER (for himself, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect the rights of college athletes and to establish the Commission on College Athletics, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “College Athletes Bill
5 of Rights”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ATHLETIC DEPARTMENT.**—The term “ath-
9 letic department” means a department at an institu-

1 tion of higher education responsible for overseeing 1
2 or more athletic programs and related staff.

3 (2) ATHLETIC PROGRAM.—The term “athletic
4 program” means a program for a particular inter-
5 collegiate sport at an institution of higher education.

6 (3) ATHLETIC REPUTATION.—The term “ath-
7 letic reputation” means—

8 (A) with respect to a college athlete, the
9 recognition or fame of the college athlete relat-
10 ing to the intercollegiate athletic ability, stand-
11 ing, participation, or performance of the college
12 athlete; and

13 (B) with respect to an institution of higher
14 education, the recognition or fame the institu-
15 tion of higher education garners from the ath-
16 letic programs of the institution of higher edu-
17 cation.

18 (4) COLLEGE ATHLETE.—The term “college
19 athlete” means an individual who participates in an
20 intercollegiate sport for an institution of higher edu-
21 cation.

22 (5) COLLEGE ATHLETE AGENT.—The term
23 “college athlete agent” means an athlete agent (as
24 defined in section 2 of the Sports Agent Responsi-
25 bility and Trust Act (15 U.S.C. 7801)) who is cer-

1 tified in accordance with the standards established
2 under section 11(d)(1).

3 (6) COMMERCIAL SPORTS REVENUE ROY-
4 ALTY.—The term “commercial sports revenue roy-
5 alty” means funds distributed to a college athlete by
6 an intercollegiate athletic association under section
7 5(b)(2).

8 (7) COMMISSION.—The term “Commission”
9 means the Commission on College Athletics estab-
10 lished by section 11(a).

11 (8) CONFERENCE.—The term “conference”
12 means a group or an association of athletic pro-
13 grams that play competitively against each other.

14 (9) COST OF ATTENDANCE.—The term “cost of
15 attendance”—

16 (A) has the meaning given the term in sec-
17 tion 472 of the Higher Education Act of 1965
18 (20 U.S.C. 1087ll); and

19 (B) shall be calculated by the financial aid
20 office of an institution of higher education ap-
21 plying the same standards, policies, and proce-
22 dures for all students.

23 (10) COVERED COMPENSATION.—The term
24 “covered compensation”—

1 (A) means any payment, remuneration, or
2 benefit provided by a third party to a college
3 athlete or a former college athlete; and

4 (B) does not include the payment or provi-
5 sion of a grant-in-aid.

6 (11) ENDORSEMENT CONTRACT.—The term
7 “endorsement contract” means an agreement for the
8 commercial use of a college athlete’s name, image,
9 likeness, or athletic reputation, in exchange for cov-
10 ered compensation.

11 (12) FUND.—The term “Fund” means the
12 medical trust fund established under section 6(a).

13 (13) GRANT-IN-AID.—The term “grant-in-
14 aid”—

15 (A) means a scholarship, grant, or other
16 form of financial assistance, including the provi-
17 sion of tuition, room, board, books, or funds for
18 fees or personal expenses, that—

19 (i) is paid or provided by an institu-
20 tion of higher education to a student for
21 the student’s undergraduate or graduate
22 course of study; and

23 (ii) is in an amount that does not ex-
24 ceed the cost of attendance for such stu-

1 dent at the institution of higher education;
2 and

3 (B) does not include covered compensation.

4 (14) IMAGE.—The term “image”, with respect
5 to a college athlete, means a photograph, video, or
6 computer-generated representation that identifies, is
7 linked to, or is reasonably linkable to the college ath-
8 lete.

9 (15) INSTITUTION OF HIGHER EDUCATION.—
10 The term “institution of higher education” has the
11 meaning given the term in section 101 of the Higher
12 Education Act of 1965 (20 U.S.C. 1001 et seq.).

13 (16) INTERCOLLEGIATE ATHLETIC ASSOCIA-
14 TION.—The term “intercollegiate athletic associa-
15 tion” means any association, conference, or other
16 group or organization, including the National Colle-
17 giate Athletic Association, that—

18 (A) exercises authority over intercollegiate
19 athletics; and

20 (B) is engaged in commerce or in any in-
21 dustry or activity affecting commerce.

22 (17) LIKENESS.—The term “likeness” means—

23 (A) with respect to a college athlete of a
24 sport for which the college athlete has a jersey
25 number, the jersey number associated with the

1 college athlete and the sport in which the col-
2 lege athlete participates at a particular institu-
3 tion of higher education during the period of
4 the participation of the college athlete in the
5 sport at the institution of higher education, if
6 the jersey number is accompanied by—

7 (i) a logo or color scheme that is
8 clearly associated with the institution of
9 higher education; or

10 (ii) some other means by which the
11 jersey number is clearly associated with
12 the particular college athlete; and

13 (B) with respect to any college athlete or
14 former college athlete—

15 (i) the uniquely identifiable voice,
16 catch phrase, or nickname of the college
17 athlete; or

18 (ii) any other trademark that identi-
19 fies or distinguishes the college athlete.

20 (18) NAME.—The term “name”, with respect to
21 a college athlete, means—

22 (A) the first name and last or family name
23 that identifies the college athlete;

24 (B) a nickname or a preferred name of the
25 college athlete; or

1 (C) a name that the college athlete uses to
2 identity the college athlete.

3 (19) THIRD PARTY.—The term “third party”
4 means an individual or entity other than an institu-
5 tion of higher education, a conference, or an inter-
6 collegiate athletic association.

7 **SEC. 3. COLLEGE ATHLETE RIGHTS AND PROTECTIONS.**

8 (a) RIGHT TO MARKET NAME, IMAGE, LIKENESS, OR
9 ATHLETIC REPUTATION.—

10 (1) IN GENERAL.—Subject to a limitation pur-
11 suant to paragraph (3), an institution of higher edu-
12 cation, an intercollegiate athletic association, or a
13 conference may not restrict the ability of college ath-
14 letes, individually or as a group, to market the use
15 of their names, images, likenesses, or athletic rep-
16 utations.

17 (2) GROUP LICENSING.—A person may not use
18 the name, image, likeness, or athletic reputation of
19 any member of a group described in paragraph (1)
20 to sell or promote any product unless the person ob-
21 tains a license from the group for that purpose.

22 (3) CERTAIN STATE LIMITATIONS PER-
23 MITTED.—

24 (A) IN GENERAL.—Notwithstanding para-
25 graph (1), a State may prohibit college athletes

1 residing in the State from entering into en-
2 dorsement contracts with entities in a par-
3 ticular industry if the State also prohibits insti-
4 tutions of higher education located in the State
5 from entering into agreements with such enti-
6 ties.

7 (B) NOTIFICATION OF COLLEGE ATH-
8 LETES.—An institution of higher education
9 shall provide to each college athlete enrolled at
10 the institution of higher education a list of enti-
11 ties with which institutions of higher education
12 and college athletes are prohibited from enter-
13 ing into endorsement contracts pursuant to sub-
14 paragraph (A).

15 (4) INSTITUTION OF HIGHER EDUCATION
16 AGREEMENTS WITH THIRD PARTIES.—In conjunc-
17 tion with an endorsement contract of a college ath-
18 lete enrolled at a particular institution of higher
19 education, such institution of higher education may
20 enter into a separate agreement with the third party
21 concerned for the intellectual property rights or the
22 name, image, likeness, or athletic reputation rights
23 of the institution of higher education, including the
24 use of the logos and team uniforms of the institution
25 of higher education, if—

1 (A) the third party provides directly to the
 2 college athlete concerned covered compensation
 3 pursuant to the endorsement contract; and

4 (B) the agreement between the institution
 5 of higher education and the third party is not
 6 initiated or coordinated by the institution of
 7 higher education.

8 (5) INSTITUTION-SPONSORED COMPETITION
 9 AND PRACTICES.—

10 (A) IN GENERAL.—Except as provided in
 11 subparagraph (B), an institution of higher edu-
 12 cation may require a college athlete to use, dur-
 13 ing a competition or practice sponsored by the
 14 institution of higher education, apparel selected
 15 by the institution of higher education.

16 (B) EXCEPTIONS.—

17 (i) ACTIVITIES OTHER THAN MANDA-
 18 TORY TEAM ACTIVITIES.—An institution of
 19 higher education may not prohibit, and
 20 may not enter into a contract that pro-
 21 hibits, a college athlete from carrying out
 22 activities pursuant to an endorsement con-
 23 tract during a period in which the college
 24 athlete is not engaged in a mandatory
 25 team activity.

1 (ii) FOOTWEAR.—An institution of
 2 higher education may not prohibit or dis-
 3 courage a college athlete from wearing
 4 footwear of his or her choice during man-
 5 datory team activities, unless the footwear
 6 has lights, reflective fabric, or poses a
 7 health risk to the college athlete.

8 (6) TREATMENT OF COMPENSATION, BENEFITS,
 9 OR ROYALTIES PROVIDED TO COLLEGE ATHLETES.—
 10 Covered compensation or commercial sports revenue
 11 royalties—

12 (A) shall not be considered financial aid by
 13 any institution of higher education, intercolle-
 14 giate athletic association, conference, or third
 15 party; and

16 (B) notwithstanding section 480(j) of the
 17 Higher Education Act of 1965 (20 U.S.C.
 18 1087vv(j)), shall not be included as financial as-
 19 sistance for purposes of determining a student’s
 20 eligibility for financial assistance under title IV
 21 of the Higher Education Act of 1965 (20
 22 U.S.C. 1070 et seq.).

23 (b) RIGHT TO COMPENSATION FOR EXPENSES.—

24 (1) IN GENERAL.—An institution of higher edu-
 25 cation, an intercollegiate athletic association, or a

1 conference may not restrict the ability of a college
2 athlete to receive payment from any source for—

3 (A) transportation, room, or board for 1 or
4 more friends or family members of the college
5 athlete during any period in which the college
6 athlete is addressing a physical or mental
7 health concern or participating in intercollegiate
8 athletics competition;

9 (B) necessities, including food, shelter,
10 medical coverage, and medical expenses; or

11 (C) tuition, fees, books, transportation, or
12 any other incidental expense that is not other-
13 wise provided by an institution of higher edu-
14 cation.

15 (2) GRANTS-IN-AID GUARANTEES.—

16 (A) Receipt of covered compensation pur-
17 suant to an endorsement contract shall not ad-
18 versely affect—

19 (i) a college athlete's eligibility or op-
20 portunity to apply for a grant-in-aid; or

21 (ii) the amount, duration, or renewal
22 of a college athlete's grant-in-aid.

23 (B) LIMITATION ON REVOCATION.—An in-
24 stitution of higher education may not revoke or
25 reduce a college athlete's grant-in-aid based on

1 the college athlete having entered into an en-
2 dorsement contract.

3 (c) RIGHT TO AGENT REPRESENTATION.—

4 (1) IN GENERAL.—An institution of higher edu-
5 cation, an intercollegiate athletic association, or a
6 conference may not restrict the ability of a college
7 athlete to obtain agent representation with respect
8 to an endorsement contract, including—

9 (A) representation provided by college ath-
10 lete agents, group licensing entities, and finan-
11 cial advisors; and

12 (B) legal representation by attorneys.

13 (2) PREVENTING CONFLICTS OF INTEREST.—

14 An institution of higher education, an intercollegiate
15 athletic association, or a conference, or a business
16 partner of an institution of higher education, an
17 intercollegiate athletic association, or a conference
18 may not—

19 (A) represent college athletes in endorse-
20 ment contracts;

21 (B) regulate the representation of college
22 athletes with respect to endorsement contracts;
23 or

24 (C) engage in the certification of individ-
25 uals for such representation.

1 (d) RIGHT TO TRANSFER.—

2 (1) IN GENERAL.—A college athlete shall retain
3 his or her right to transfer from one institution of
4 higher education to another notwithstanding any
5 contract to which a college athlete is a party or na-
6 tional letter of intent signed by the college athlete.

7 (2) LIMITATION ON TRANSFER PENALTIES.—
8 Institutions of higher education, intercollegiate ath-
9 letic associations, and conferences shall allow a col-
10 lege athlete to transfer from one institution of high-
11 er education to another without losing grant-in-aid
12 opportunities or eligibility for intercollegiate athletics
13 if—

14 (A) not less than 7 days before transfer-
15 ring, the college athlete provides to his or her
16 athletic director notice of intent to transfer; and

17 (B) the transfer does not occur during—

18 (i) the season of the sport of the col-
19 lege athlete; or

20 (ii) the 45-day period preceding the
21 date on which such season commences.

22 (3) INDUCEMENTS TO TRANSFER PROHIB-
23 ITED.—

24 (A) IN GENERAL.—An institution of higher
25 education, an intercollegiate athletic association,

1 or a conference may not offer or provide to a
2 college athlete any compensation or benefit
3 (other than grant-in-aid) that is—

4 (i) conditioned on the college athlete
5 transferring to a particular institution of
6 higher education; or

7 (ii) intended to induce the college ath-
8 lete to transfer to a particular institution
9 of higher education.

10 (B) CAMPUS TOURS.—Notwithstanding
11 subparagraph (A), an institution of higher edu-
12 cation, an intercollegiate athletic association, or
13 a conference may provide a college athlete with
14 reimbursement for expenses relating to campus
15 tours or visits.

16 (e) RIGHT TO ENTER PROFESSIONAL SPORTS
17 DRAFTS.—An institution of higher education, an inter-
18 collegiate athletic association, or a conference may not
19 prevent the participation of a college athlete in intercolle-
20 giate athletics based on the college athlete having entered
21 into a professional sports draft if the college athlete—

22 (1) does not receive compensation, directly or
23 indirectly, from a professional sports league; and

24 (2) not later than 7 days after the completion
25 of the draft, notifies his or her athletic director of

1 his or her intent to forgo participation in the profes-
 2 sional league.

3 (f) RIGHT TO FULL PARTICIPATION IN INTERCOLLE-
 4 GIATE ATHLETICS COMPETITION.—An institution of high-
 5 er education, an intercollegiate athletic association, a con-
 6 ference, or a State may not maintain or enforce any rule,
 7 requirement, standard, condition, or other limitation that
 8 prevents the full participation of a college athlete in inter-
 9 collegiate athletics competition based on the college athlete
 10 having—

11 (1) entered into an endorsement contract; or

12 (2) obtained representation described in sub-
 13 section (c)(1).

14 (g) ADDITIONAL PROTECTIONS.—An institution of
 15 higher education, an intercollegiate athletic association, or
 16 a conference may not—

17 (1) arrange an endorsement contract on behalf
 18 of a college athlete;

19 (2) impose on college athletes restrictions on
 20 speech that are more stringent than restrictions on
 21 speech imposed on students enrolled at the institu-
 22 tion of higher education who are not college athletes;

23 (3) levy against a college athlete any fine or
 24 other punishment that does not apply equally to

1 other students enrolled in the institution of higher
2 education;

3 (4) coordinate or cooperate with any other insti-
4 tution of higher education, intercollegiate athletic as-
5 sociation, or conference to limit or determine the
6 amount of payment offered to a college athlete under
7 an endorsement contract; or

8 (5) eliminate the funding of an athletic pro-
9 gram unless all other options for reducing the ex-
10 penses of the athletic program, including reducing
11 coach salaries and administrative and facility ex-
12 penses, are not feasible.

13 **SEC. 4. PENALTIES FOR VIOLATIONS.**

14 (a) INSTITUTIONS OF HIGHER EDUCATION.—

15 (1) INDIVIDUALS.—An individual associated
16 with an institution of higher education who is found,
17 after an investigation by the Commission, to have fa-
18 cilitated a violation of section 3 shall be—

19 (A) suspended from working at an institu-
20 tion of higher education for a period of not less
21 than 1 year;

22 (B) suspended from working at an institu-
23 tion of higher education for a period of not less
24 than 5 years; or

1 (C) permanently banned from working at
2 an institution of higher education.

3 (2) INSTITUTIONS.—

4 (A) IN GENERAL.—An institution of higher
5 education found to be in violation of section 3,
6 other than paragraph (4) of section 3(g), shall
7 be assessed a civil penalty that is the greater
8 of—

9 (i) the amount equal to 15 percent of
10 the total athletic revenue generated by the
11 institution of higher education in the pre-
12 ceding academic year; or

13 (ii) \$200,000.

14 (B) COORDINATION OR COOPERATION.—
15 An institution of higher education found to be
16 in violation of section 3(g)(4) shall be assessed
17 a civil penalty that is the greater of—

18 (i) the amount equal to 20 percent of
19 the total athletic revenue generated by the
20 institution of higher education in the pre-
21 ceding academic year; or

22 (ii) \$250,000.

23 (b) INTERCOLLEGIATE ATHLETIC ASSOCIATIONS AND
24 CONFERENCES.—

1 (1) INDIVIDUALS.—An individual associated
 2 with an intercollegiate athletic association or a con-
 3 ference found to be primarily responsible for a viola-
 4 tion of section 3 shall be banned or suspended from
 5 participation in intercollegiate athletics for a period
 6 of not less than 2 years.

7 (2) INTERCOLLEGIATE ATHLETIC ASSOCIATIONS
 8 AND CONFERENCES.—

9 (A) IN GENERAL.—An intercollegiate ath-
 10 letic association or a conference found to be in
 11 violation of subsection (a), (b), (c), (e), (f), or
 12 (g) of section 3 shall be assessed a civil penalty
 13 of \$250,000.

14 (B) INTERFERENCE WITH RIGHT TO
 15 TRANSFER.—An intercollegiate athletic associa-
 16 tion or a conference found to be in violation of
 17 section 3(d) shall be assessed a civil penalty of
 18 \$100,000.

19 (c) RECOMMENDATIONS FOR GREATER PEN-
 20 ALTIES.—The Commission may impose a penalty greater
 21 than a penalty described in this section.

22 **SEC. 5. REVENUE SHARING.**

23 (a) DEFINITIONS.—

24 (1) ATHLETIC GRANT-IN-AID LIMIT.—The term
 25 “athletic grant-in-aid limit” means, with respect to

1 a particular sport, the maximum number of athletic
2 grant-in-aid scholarships an institution of higher
3 education can award to college athletes in the sport,
4 as prescribed by an intercollegiate athletic associa-
5 tion.

6 (2) COMMERCIAL SPORTS NIL REVENUE.—

7 (A) IN GENERAL.—The term “commercial
8 sports NIL revenue”, when used in reference to
9 an athletic program, means the amount of total
10 annual revenue generated from the athletic pro-
11 gram at an institution of higher education.

12 (B) USE OF PREVIOUSLY REPORTED
13 DATA.—For purposes of subparagraph (A), an
14 institution of higher education required to sub-
15 mit an annual report under section 485(g) of
16 the Higher Education Act of 1965 (20 U.S.C.
17 1092(g)) shall use the amounts described in
18 paragraph (1)(F) of such section from the most
19 recent report to determine the commercial
20 sports NIL revenue for each athletic program.

21 (3) COVERED SPORTS TEAM.—The term “cov-
22 ered sports team” means an athletic program that
23 participates in a division or subdivision for which 50
24 percent of the total commercial sports NIL revenue
25 of every institution of higher education that partici-

1 pates in the division or subdivision is greater than
2 the total amount of grant-in-aid provided by those
3 institutions of higher education to eligible college
4 athletes that participate in athletic programs in that
5 division or subdivision.

6 (4) DIVISION OR SUBDIVISION.—The term “di-
7 vision or subdivision” means a division or subdivi-
8 sion, such as the Football Championship Subdivision
9 or the Football Bowl Subdivision, of a particular
10 type of athletic program.

11 (5) ELIGIBLE COLLEGE ATHLETE.—The term
12 “eligible college athlete” means a college athlete that
13 receives grant-in-aid from the institution of higher
14 education attended by the college athlete.

15 (6) REPORTING YEAR.—The term “reporting
16 year” means the time period covered by a report
17 submitted by an institution of higher education
18 under section 485(g) of the Higher Education Act of
19 1965 (20 U.S.C. 1092(g)).

20 (b) ROYALTY PAYMENTS.—

21 (1) PAYMENTS TO INTERCOLLEGIATE ATHLETIC
22 ASSOCIATIONS.—Not later than the first July 15 oc-
23 ccurring after the date that is 1 year after the date
24 of enactment of this Act, and annually thereafter, if
25 an intercollegiate athletic association that has gov-

1 erning authority over a covered sports team is re-
2 quired to distribute commercial sports revenue royalti-
3 ties to eligible college athletes that participate in the
4 division or subdivision of the covered sports team
5 under paragraph (2), the institution of higher edu-
6 cation associated with the covered sports team shall
7 transfer to the intercollegiate athletic association—

8 (A) regardless of whether the institution of
9 higher education awards any grant-in-aid to col-
10 lege athletes that participate on the covered
11 sports team—

12 (i) 50 percent of such commercial
13 sports NIL revenue; minus

14 (ii) the amount of grant-in-aid the in-
15 stitution of higher education awards to eli-
16 gible college athletes that participate on
17 the covered sports team;

18 (B) if the amount of grant-in-aid that the
19 institution of higher education awards to eligi-
20 ble college athletes that participate on the cov-
21 ered sports team is more than 50 percent of the
22 commercial sports NIL revenue generated by
23 the covered sports team, the institution of high-
24 er education shall transfer a percentage of such
25 commercial sports NIL revenue determined by

1 the Commission after calculating average con-
2 tributions made by institutions of higher edu-
3 cation of a similar size; and

4 (C) a list of the eligible college athletes
5 that participate on the covered sports team.

6 (2) PAYMENTS TO ATHLETES.—Not later than
7 the first August 15 occurring after the date that is
8 1 year after the date of enactment of this Act, and
9 annually thereafter, an intercollegiate athletic asso-
10 ciation that has governing authority over a covered
11 sports team shall, if practicable, distribute among
12 every eligible college athlete that participates in the
13 division or subdivision in which the covered sports
14 team participates—

15 (A) the total commercial sports NIL rev-
16 enue received from institutions of higher edu-
17 cation under paragraph (1) on account of a cov-
18 ered sports team that participates in the divi-
19 sion or subdivision; divided by

20 (B) the number of eligible college athletes
21 that participate in the division during the appli-
22 cable reporting year.

23 (3) DELIVERY OF ROYALTIES.—An intercolle-
24 giate athletic association may distribute a commer-

1 cial sports revenue royalty to an eligible college ath-
2 lete under this subsection—

3 (A) directly; or

4 (B) upon the request of the eligible college
5 athlete, through the licensing group of the eligi-
6 ble college athlete.

7 (c) TRANSPARENCY.—

8 (1) INSTITUTIONS OF HIGHER EDUCATION.—

9 Not later than the first July 31 occurring after the
10 date that is 1 year after the date of enactment of
11 this Act, and annually thereafter, an institution of
12 higher education shall make public and disclose to
13 the college athletes of the institution of higher edu-
14 cation—

15 (A) the commercial sports NIL revenue
16 generated by each athletic program of the insti-
17 tution of higher education; and

18 (B) if the institution of higher education
19 has 1 or more covered sports teams, the
20 amount of the commercial sports revenue royal-
21 ties distributed to each eligible college athlete
22 on each covered sports team.

23 (2) INTERCOLLEGIATE ATHLETIC ASSOCIA-

24 TIONS.—Not later than the first July 31 occurring
25 after the date that is 1 year after the date of enact-

1 ment of this Act, and annually thereafter, an inter-
 2 collegiate athletic association that distributes com-
 3 mercial sports revenue royalties shall make public
 4 the amount of the commercial sports revenue royal-
 5 ties distributed by the intercollegiate athletic asso-
 6 ciation, organized by institution of higher education
 7 and sport.

8 (d) CONFORMING AMENDMENT.—Section
 9 485(g)(1)(F) of the Higher Education Act of 1965 (20
 10 U.S.C. 1092(g)(1)(F)) is amended by striking “except
 11 that an institution may also report such revenues by indi-
 12 vidual team” and inserting “, in the aggregate and
 13 disaggregated by individual team”.

14 **SEC. 6. MEDICAL EXPENSES FOR SPORTS-RELATED INJU-**
 15 **RIES AND HEALTH CARE SERVICES FOR COL-**
 16 **LEGE ATHLETES.**

17 (a) MEDICAL TRUST FUND.—

18 (1) ESTABLISHMENT.—The Commission shall
 19 establish a medical trust fund to cover the cost of—

20 (A)(i) for college athletes, the out-of-pocket
 21 expenses relating to any sports-related injury;
 22 and

23 (ii) during the 5-year period beginning on
 24 the date on which an individual ceases to be a
 25 college athlete, the out-of-pocket expenses relat-

1 ing to any sports-related injury or illness suf-
2 fered by such individual while the individual
3 was a college athlete;

4 (B) medical expenses for college athletes
5 and former college athletes diagnosed with cer-
6 tain sports-related conditions, including chronic
7 traumatic encephalopathy; and

8 (C) independent medical second opinions
9 for college athletes.

10 (2) CONTRIBUTIONS.—

11 (A) IN GENERAL.—Not later than July 31
12 each year, institutions of higher education with
13 athletic departments shall make contributions
14 to the Fund in the amount determined by the
15 Commission to be reasonable to cover the costs
16 of medical treatment as described in paragraph
17 (1) for the applicable academic year and taking
18 into account the revenues of the respective ath-
19 letic departments of such institution of higher
20 education.

21 (B) PENALTY FOR NONCOMPLIANCE.—

22 (i) IN GENERAL.—An institution of
23 higher education that fails to make a time-
24 ly contribution required by subparagraph
25 (A) shall—

1 (I) make the delinquent contribu-
2 tion retroactively; and

3 (II) be assessed—

4 (aa) interest on such con-
5 tribution at a rate of 10 percent
6 annually; and

7 (bb) a civil penalty that is
8 the greater of—

9 (AA) for each academic
10 year concerned, the amount
11 equal to 20 percent of the
12 total athletic revenue gen-
13 erated by the institution of
14 higher education; or

15 (BB) \$200,000.

16 (ii) WAIVER.—In the case of a first
17 delinquent contribution, the Commission
18 may waive the applicability of clause (i) on
19 request by the institution of higher edu-
20 cation concerned if the institution of high-
21 er education makes the delinquent pay-
22 ment not later than August 7 of the year
23 in which the payment was due.

24 (b) PHYSICAL EXAMINATIONS.—Before the expira-
25 tion of eligibility for intercollegiate athletics, a college ath-

1 lete shall be offered the opportunity to undergo a physical
2 examination for the purpose of diagnosing any sports-re-
3 lated injury or condition.

4 (c) SECOND OPINIONS.—A college athlete shall have
5 the right to obtain a medical second opinion independent
6 from the medical opinion given by the institution of higher
7 education at which the college athlete is enrolled.

8 (d) TRAINERS AND MEDICAL PERSONNEL.—Any
9 sports trainer or medical personnel employed by an insti-
10 tution of higher education shall—

11 (1) be employed by the health office of the in-
12 stitution of higher education; and

13 (2) operate independently from the athletic de-
14 partment.

15 **SEC. 7. HEALTH, WELLNESS, AND SAFETY STANDARDS.**

16 (a) ESTABLISHMENT OF STANDARDS.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Health and Human Services (referred to in
20 this subsection as the “Secretary”), acting through
21 the Director of the Centers for Disease Control and
22 Prevention, and in consultation with the Assistant
23 Secretary of Labor for Occupational Safety and
24 Health, shall establish health, wellness, and safety
25 guidelines for intercollegiate athletic programs.

1 (2) CONSULTATION AND CONSIDERATIONS.—In
2 developing the standards under paragraph (1), the
3 Secretary shall—

4 (A) consult with the Sports Science Insti-
5 tute of the National Collegiate Athletic Associa-
6 tion; and

7 (B) consider existing guidelines of relevant
8 nonprofit entities, such as the National Colle-
9 giate Athletic Association, conferences, profes-
10 sional sports leagues, the National Athletic
11 Trainers Association, and college athlete advoca-
12 cy communities.

13 (3) CONTENT.—The guidelines established
14 under paragraph (1) shall address—

15 (A) cardiac health;

16 (B) concussion and traumatic brain inju-
17 ries;

18 (C) illegal performance enhancers and sub-
19 stance abuse;

20 (D) mental health;

21 (E) nutrition, sleep, and performance;

22 (F) overuse injuries, periodization, and
23 heat-related illnesses;

24 (G) sexual assault and interpersonal vio-
25 lence;

1 (H) athletics health care administration;
2 (I) weight and pain management;
3 (J) rhabdomyolysis;
4 (K) sickle cell trait;
5 (L) asthma; and
6 (M) such other topics as the Secretary de-
7 termines appropriate.

8 (b) ROUTINE COMPLIANCE AUDITS.—Not less fre-
9 quently than monthly, the Commission shall conduct an
10 audit of athletic programs to verify compliance with the
11 guidelines established under subsection (a)(1).

12 (c) PENALTIES.—

13 (1) INDIVIDUALS.—An individual found to be
14 primarily responsible for noncompliance with a
15 guideline established under subsection (a)(1), or for
16 threatening or retaliating against any individual or
17 entity that reports such noncompliance, shall be sub-
18 ject to a lifetime ban on involvement with intercolle-
19 giate athletics.

20 (2) INSTITUTIONS OF HIGHER EDUCATION.—An
21 institution of higher education found to be in non-
22 compliance with a guideline established under sub-
23 section (a)(1) shall be assessed, for each academic
24 year in which the noncompliance occurred, a civil
25 penalty in the amount equal to 30 percent of the

1 total athletic revenue generated by the institution of
 2 higher education.

3 **SEC. 8. COLLEGE ATHLETES' RIGHT TO EDUCATIONAL OUT-**
 4 **COMES.**

5 (a) ENSURING COLLEGE ATHLETES' RIGHT TO EDU-
 6 CATIONAL OUTCOMES.—

7 (1) GUARANTEE OF SCHOLARSHIPS.—

8 (A) IN GENERAL.—Except as provided in
 9 subparagraph (C), an institution of higher edu-
 10 cation that provides an individual with a college
 11 athlete scholarship for an academic year shall
 12 provide the individual with a scholarship de-
 13 scribed in subparagraph (B) for each subse-
 14 quent academic year—

15 (i) in which the individual is enrolled
 16 at the institution and until the individual
 17 receives an undergraduate degree from
 18 such institution; and

19 (ii) without regard to whether the in-
 20 dividual is playing an intercollegiate sport
 21 for the institution during any such subse-
 22 quent year.

23 (B) AMOUNT.—A scholarship awarded to
 24 an individual for a subsequent year in accord-
 25 ance with subparagraph (A) shall be in an

1 amount equal to the scholarship provided to the
2 individual for the preceding year, increased by
3 the rate of inflation for the preceding year.

4 (C) EXCEPTIONS.—The requirements of
5 subparagraph (A) shall not apply if an indi-
6 vidual—

7 (i) is found by the institution to have
8 committed academic fraud or other mis-
9 conduct that would ordinarily result in ex-
10 pulsion; or

11 (ii) earns a grade point average of less
12 than 2.20 on a 4-point scale, or the equiva-
13 lent, for 2 or more consecutive semesters.

14 (D) DEFINITION OF COLLEGE ATHLETE
15 SCHOLARSHIP.—In this paragraph, the term
16 “college athlete scholarship” means a scholar-
17 ship provided by an institution of higher edu-
18 cation for an academic year to an individual
19 who has agreed to be a college athlete for the
20 institution for such academic year.

21 (2) REQUIREMENTS FOR ACADEMIC ADVISING
22 AND TUTORING.—Any academic advisor or tutoring
23 services provided to a college athlete by an institu-
24 tion of higher education shall be independent from

1 the athletic department of the institution of higher
2 education.

3 (3) NO INFLUENCE OR RETALIATION FOR
4 COURSEWORK.—An individual working or volun-
5 teering for an athletic department of an institution
6 of higher education may not influence, or retaliate
7 against a college athlete based on, a college athlete’s
8 selection of any course or academic major.

9 (4) NO INTERFERENCE IN
10 EXTRACURRICULARS.—An individual working for an
11 athletic department of an institution of higher edu-
12 cation shall not interfere with, or discourage, any
13 college athlete who wishes to secure employment or
14 internships, participate in student groups or events,
15 or serve as a volunteer, as long as such activities do
16 not interfere with mandatory class time or manda-
17 tory team activities.

18 (b) PENALTIES.—An institution of higher education
19 found to be in violation of subsection (a), or to have per-
20 mitted the work or volunteering of an individual who vio-
21 lated such subsection, shall be assessed, for each indi-
22 vidual harmed by the violation, a civil penalty of \$75,000.

1 **SEC. 9. FINANCIAL LITERACY AND LIFE SKILLS DEVELOP-**
2 **MENT PROGRAM.**

3 (a) IN GENERAL.—Each institution of higher edu-
4 cation shall—

5 (1) offer a financial literacy and life skills devel-
6 opment program described in subsection (b); and

7 (2) require every college athlete enrolled in the
8 institution of higher education to attend the pro-
9 gram during the college athlete's first year of en-
10 gagement in an intercollegiate sport.

11 (b) FINANCIAL LITERACY AND LIFE SKILLS DEVEL-
12 OPMENT PROGRAM.—

13 (1) IN GENERAL.—Each financial literacy and
14 life skills development program offered under sub-
15 section (a) shall—

16 (A) be not less than 15 hours in total du-
17 ration across sessions;

18 (B) be eligible for postsecondary credit,
19 consistent with the credit allocation guidelines
20 of the institution of higher education; and

21 (C) include, at a minimum, information re-
22 garding—

23 (i) the rights of college athletes under
24 this Act; and

25 (ii) time management skills, personal
26 budgeting, debt, credit, and interest rates.

1 (2) LIMITATION.—A financial literacy and life
2 skills development program offered under subsection
3 (a) may not include any marketing, advertising, re-
4 ferral, or solicitation by providers of financial prod-
5 ucts or services.

6 **SEC. 10. REPORTING AND ACCOUNTABILITY.**

7 (a) ANNUAL REPORTING BY INSTITUTIONS OF HIGH-
8 ER EDUCATION.—

9 (1) IN GENERAL.—Not later than 60 days after
10 the date on which an academic year ends, each insti-
11 tution of higher education with 1 or more athletic
12 programs shall submit to the Commission a report
13 that includes, for the academic year, the following:

14 (A) The revenues and expenditures of each
15 athletic program, including booster donations
16 and compensation for athletic program per-
17 sonnel, disclosed under section 5(c)(1).

18 (B) The average number of hours college
19 athletes enrolled at the institution of higher
20 education spent on athletic activities, including
21 mandatory and voluntary team activities, and
22 team travel, disaggregated by athletic program.

23 (C) The academic outcomes for college ath-
24 letes enrolled at the institution of higher edu-

1 cation, disaggregated by athletic program, race
2 and ethnicity, and gender.

3 (2) PENALTIES FOR NONCOMPLIANCE.—An in-
4 stitution of higher education that fails to timely sub-
5 mit a report under paragraph (1), or intentionally
6 submits an inaccurate report, as determined by the
7 Commission, shall be assessed a civil penalty that is
8 the greater of—

9 (A) the amount equal to 15 percent of the
10 total athletic revenue generated by the institu-
11 tion of higher education; or

12 (B) \$200,000.

13 (b) COMMISSION DATABASE.—The Commission shall
14 maintain a publicly accessible, searchable database that
15 contains the information provided in each annual report
16 submitted under subsection (a)(1).

17 **SEC. 11. COMMISSION ON COLLEGE ATHLETICS.**

18 (a) ESTABLISHMENT.—There is established a com-
19 mission, to be known as the “Commission on College Ath-
20 letics”, for the following purposes:

21 (1) To act for the benefit of all college athletes,
22 without regard to receipt of grant-in-aid.

23 (2) To protect the economic interests of college
24 athletes.

1 (3) To ensure that agents of college athletes
2 faithfully represent the interests of college athletes.

3 (4) To enforce this Act and the standards es-
4 tablished under subsection (d)(1) in a manner ade-
5 quate to deter such violations.

6 (5) To promote the health, wellness, and safety
7 of college athletes.

8 (b) ORGANIZATION.—

9 (1) FEDERAL CHARTER.—The Commission is a
10 federally chartered corporation, governed by a board
11 of directors, and entrusted with the constitutional
12 duty to take care that the laws be faithfully exe-
13 cuted.

14 (2) PERPETUAL EXISTENCE.—Except as other-
15 wise provided in subsection (n), the Commission has
16 perpetual existence.

17 (3) STATUS.—The Commission is not an agen-
18 cy (as defined in section 551 of title 5, United
19 States Code).

20 (4) CONSTITUTION AND BYLAWS.—The Com-
21 mission shall adopt a constitution and bylaws that
22 reflect the rights and protections set forth in this
23 Act.

24 (c) BOARD OF DIRECTORS.—

25 (1) COMPOSITION.—

1 (A) IN GENERAL.—The board of directors
2 of the Commission (referred to in this section
3 as the “Board”) shall be comprised of 9 mem-
4 bers, who, subject to subparagraphs (B)
5 through (E), shall be appointed by the Presi-
6 dent, by and with the advice and consent of the
7 Senate.

8 (B) DIVERSITY.—The appointment of
9 members of the Board shall be coordinated to
10 ensure diversity among such members.

11 (C) POLITICAL PARTY.—Not more than 5
12 members of the Board may be appointed from
13 the same political party.

14 (D) REQUIREMENTS.—

15 (i) IN GENERAL.—Each member ap-
16 pointed under subparagraph (A) shall have
17 achieved distinction in his or her respective
18 professional field.

19 (ii) REPRESENTATION.—The members
20 of the Board shall be representatives of
21 former college athletes, professional fields,
22 and members of the public as follows:

23 (I) Not fewer than 5 members
24 filling the designated categories de-
25 scribed in subclauses (II) through

1 (IX) shall be former college athletes
2 who have graduated from an institu-
3 tion of higher education.

4 (II) 1 member shall have exper-
5 tise in sports, contracts, and publicity
6 rights law.

7 (III) 1 member shall have exper-
8 tise in constitutional law with respect
9 to the freedom of speech.

10 (IV) 1 member shall have exper-
11 tise in communications.

12 (V) 1 member shall be a certified
13 public accountant with expertise in
14 corporate financial audits and cor-
15 porate compliance investigations.

16 (VI) 1 member shall have exper-
17 tise in arbitration.

18 (VII) One member shall have ex-
19 pertise in sports economics.

20 (VIII) 1 member shall have ex-
21 pertise in civil rights law and compli-
22 ance with Title IX of the Education
23 Amendments of 1972 (20 U.S.C.
24 1681 et seq.).

1 (IX) 2 members shall have exper-
2 tise in health, wellness, and safety in
3 sports.

4 (E) INDEPENDENCE.—

5 (i) IN GENERAL.—An individual who
6 is employed by an institution of higher
7 education, serves on the governing body of
8 an institution of higher education, or re-
9 ceives compensation from an athletic pro-
10 gram of an institution of higher education,
11 an intercollegiate athletic association, or a
12 conference, including a commissioner or an
13 administrator of such an athletic program,
14 an intercollegiate athletic association, or a
15 conference, may not serve as a member of
16 the Board.

17 (ii) FORMER COMMISSIONERS AND AD-
18 MINISTRATORS.—A former commissioner
19 or administrator of an athletic program of
20 an institution of higher education, an
21 intercollegiate athletic association, or a
22 conference shall not be eligible to serve on
23 the Board.

24 (2) TERMS; VACANCIES.—

1 (A) TERMS.—A member of the Board shall
2 be appointed for a term of 5 years, except
3 that—

4 (i) the Chair shall be appointed for a
5 term of 2 years; and

6 (ii) of the other members first ap-
7 pointed—

8 (I) 4 members shall be appointed
9 for a term of 5 years;

10 (II) 3 members shall be ap-
11 pointed for a term of 4 years; and

12 (III) 2 members shall be ap-
13 pointed for a term of 3 years.

14 (B) VACANCIES.—

15 (i) IN GENERAL.—A vacancy on the
16 Board shall be filled in the manner in
17 which the original appointment was made
18 and shall be subject to any condition that
19 applied with respect to the original ap-
20 pointment.

21 (ii) FILLING UNEXPIRED TERM.—An
22 individual chosen to fill a vacancy shall be
23 appointed for the unexpired term of the
24 member replaced.

1 (C) EXPIRATION OF TERMS.—The term of
2 any member shall not expire before the date on
3 which the member's successor takes office.

4 (3) CHAIR.—

5 (A) INITIAL APPOINTMENT.—The first
6 chair of the Board shall be appointed by the
7 President.

8 (B) SUBSEQUENT APPOINTMENTS.—Any
9 subsequent chair of the Board shall be elected
10 by a majority of the members of the Board.

11 (4) INITIAL MEETING.—Not later than 60 days
12 after the date on which the majority of members
13 have been appointed under paragraph (1)(A), the
14 Board shall hold an initial meeting.

15 (5) QUORUM.—A majority of members of the
16 Board shall constitute a quorum.

17 (6) SALARY.—Each member of the Board shall
18 be compensated at a rate not to exceed the highest
19 annual rate of basic pay in effect for a position at
20 level IV of the Executive Schedule under section
21 5315 of title 5, United States Code.

22 (d) DUTIES AND AUTHORITY.—

23 (1) ESTABLISHMENT OF STANDARDS.—

1 (A) ENDORSEMENT CONTRACTS.—The
 2 Commission shall establish standards with re-
 3 spect to endorsement contracts.

4 (B) CERTIFICATION OF COLLEGE ATHLETE
 5 AGENTS.—

6 (i) IN GENERAL.—The Commission
 7 shall establish standards with respect to—

8 (I) registration and annual cer-
 9 tification of—

10 (aa) college athlete agents;

11 and

12 (bb) agencies and entities
 13 that represent college athletes;

14 (II) revocation of such certifi-
 15 cation; and

16 (III) agency fees charged by col-
 17 lege athlete agents.

18 (ii) RECOGNITION OF THE COMMIS-
 19 SION AS COLLEGE ATHLETE AGENT CER-
 20 TIFICATION BODY.—Section 3 of the
 21 Sports Agent Responsibility and Trust Act
 22 (15 U.S.C. 7802) is amended by adding at
 23 the end the following:

24 “(c) RECOGNITION OF THE COMMISSION ON COL-
 25 LEGE ATHLETICS AS CERTIFICATION BODY.—The Com-

1 mission on College Athletics established by section 11 of
2 the College Athletes Bill of Rights shall—

3 “(1) be recognized as the certification body for
4 athlete agents; and

5 “(2) have the authority to establish standards
6 and procedures with respect to the registration and
7 annual certification of athlete agents.”.

8 (iii) EDUCATIONAL REQUIREMENTS
9 FOR COLLEGE ATHLETE AGENTS.—The
10 Commission may not establish a standard
11 requiring college athlete agents to attain a
12 bachelor’s degree, an associate’s degree, or
13 a graduate degree from an institution of
14 higher education.

15 (C) HEALTH, WELLNESS, AND SAFETY.—
16 The Commission shall establish standards with
17 respect to the health, wellness, and safety of
18 college athletes consistent with the guidelines
19 established by the Secretary of Health and
20 Human Services under section 7(a)(1).

21 (D) PURPOSES OF COMMISSION GOV-
22 ERNING STANDARDS.—In establishing the
23 standards under this paragraph, the Commis-
24 sion shall ensure that such standards effectuate

1 the purposes of the Commission set forth in
2 subsection (a).

3 (2) DEVELOPMENT OF EDUCATIONAL MATE-
4 RIALS.—

5 (A) IN GENERAL.—The Commission shall
6 develop and disseminate educational materials
7 relating to endorsement contracts for college
8 athletes, institutions of higher education, inter-
9 collegiate athletic associations, and conferences.

10 (B) DISSEMINATION OF INFORMATION.—
11 The member of the Board described in sub-
12 section (c)(1)(D)(ii)(IV) shall be responsible for
13 disseminating such educational materials.

14 (3) REPORTING MECHANISM.—

15 (A) IN GENERAL.—The Commission shall
16 establish and maintain a dedicated telephone
17 hotline and an online portal by which college
18 athletes may report—

19 (i) instances of improper conduct; and

20 (ii) noncompliance with guidelines es-
21 tablished under section 7(a)(1).

22 (B) PROCEDURE.—Not later than 30 days
23 after receiving a report from a college athlete
24 regarding an instance of improper conduct or

1 noncompliance with such guidelines, the Com-
2 mission shall—

3 (i) determine whether an investigation
4 is warranted; and

5 (ii) provide to the college athlete noti-
6 fication of the determination made under
7 clause (i), together with a justification for
8 such determination.

9 (C) PROTECTION FROM RETALIATION.—A
10 college athlete who makes a report under this
11 paragraph shall be protected from threats and
12 retaliation.

13 (4) RESOLUTION OF DISPUTES.—

14 (A) IN GENERAL.—The Commission shall
15 provide a forum for the swift and equitable res-
16 olution of conflicts relating to endorsement con-
17 tracts through a dispute resolution process for
18 college athletes, institutions of higher education,
19 intercollegiate athletic associations, and con-
20 ferences.

21 (B) PROCEDURE.—

22 (i) IN GENERAL.—With respect to a
23 dispute resolution process referred to in
24 subparagraph (A), the Commission shall—

1 (I) provide to applicable individ-
 2 uals or entities notice and an oppor-
 3 tunity for a hearing; and

4 (II) select an arbitrator, who
 5 shall make a decision on resolution of
 6 the dispute.

7 (ii) APPEAL.—A party to such a dis-
 8 pute resolution process may appeal the de-
 9 cision of the arbitrator to the Commission,
 10 which may—

11 (I) review the decision; and

12 (II) issue a final decision.

13 (5) ASSESSMENT OF FEES.—

14 (A) ANNUAL AGENT CERTIFICATION
 15 FEES.—The Commission may assess an annual
 16 certification fee for each college athlete agent
 17 certified in accordance with the standards es-
 18 tablished under paragraph (1)(B).

19 (B) CERTAIN INTERCOLLEGIATE ATHLETIC
 20 ASSOCIATIONS AND CONFERENCES.—

21 (i) IN GENERAL.—The Commission
 22 may assess fees on intercollegiate athletic
 23 associations and conferences that have an-
 24 nual revenues exceeding \$20,000,000.

1 (ii) REMITTANCE OF FEES.—Inter-
2 collegiate athletic associations and con-
3 ferences shall remit such fees to the Com-
4 mission.

5 (C) COLLECTION.—The Commission may
6 collect fees under paragraphs (A) and (B) in
7 accordance with such rules as the Commission
8 may establish.

9 (6) TITLE IX MONITORING, INVESTIGATIONS,
10 AND REPORTING.—

11 (A) MONITORING.—The Commission shall
12 monitor and provide publicly available informa-
13 tion about the compliance with Title IX of the
14 Education Amendments of 1972 (20 U.S.C.
15 1681 et seq.) (referred to in this paragraph as
16 “Title IX”) of athletic programs within an in-
17 stitution of higher education that is subject to
18 Title IX.

19 (B) INVESTIGATIONS.—The Commission
20 may investigate any action by any such athletic
21 program that would constitute a violation of
22 Title IX.

23 (C) REPORTING.—If, in the course of such
24 an investigation, the Commission becomes
25 aware of a potential violation of Title IX, the

1 Commission shall submit to the Office for Civil
2 Rights of the Department of Education all
3 proper information in the possession of the
4 Commission relating to the potential violation.

5 (7) ADMINISTRATION OF MEDICAL TRUST
6 FUND.—

7 (A) IN GENERAL.—The Commission shall
8 administer the Fund as described in section
9 6(a).

10 (B) ANNUAL ASSESSMENTS.—Not less fre-
11 quently than annually, the Commission shall de-
12 termine—

13 (i) the necessary funding levels to be
14 maintained in the Fund to adequately ful-
15 fill the financial obligations of the Fund;
16 and

17 (ii) the amount each institution of
18 higher education with an athletic depart-
19 ment shall be required to contribute for
20 the applicable academic year, in accord-
21 ance with section 6(a)(2).

22 (C) MAINTENANCE OF FUNDS.—On an on-
23 going basis, the Commission shall maintain in
24 the Fund the level of funding determined nec-
25 essary under subparagraph (B)(i).

1 (D) COLLECTION.—Not less frequently
2 than annually, the Commission shall collect
3 from institutions of higher education with ath-
4 letic departments the amount determined under
5 subparagraph (B)(ii).

6 (8) ADDITIONAL DUTIES AND AUTHORITIES.—

7 The Commission—

8 (A) shall—

9 (i) maintain the database as described
10 in section 10(b);

11 (ii) issue reports as described in sub-
12 section (j);

13 (iii) conduct audits of athletic pro-
14 grams to ensure compliance with this Act
15 and standards established under paragraph
16 (1);

17 (iv) carry out investigations relating
18 to violations of this Act or any such stand-
19 ard; and

20 (v) carry out enforcement actions as
21 described in section 12(a); and

22 (B) may—

23 (i) establish and maintain offices to
24 conduct the affairs of the Commission;

1 (ii) hire staff to carry out the duties
2 described in this section;

3 (iii) enter into contracts;

4 (iv) acquire, own, lease, encumber,
5 and transfer property as necessary to carry
6 out such duties;

7 (v) borrow money, issue instruments
8 of indebtedness, and secure its obligations
9 by granting security interests in its prop-
10 erty;

11 (vi) publish a magazine, newsletter,
12 and other publications consistent with such
13 duties;

14 (vii) subpoena an individual the testi-
15 mony of whom may be relevant to such du-
16 ties; and

17 (viii) carry out any other activity, in-
18 cluding the issuance of rules, regulations,
19 and orders, as the Commission considers
20 necessary and proper to carry out such du-
21 ties or the purposes set forth in subsection

22 (a).

23 (e) ADVISORY COUNCILS.—

24 (1) ATHLETE ADVISORY COUNCIL.—

1 (A) ESTABLISHMENT.—There is estab-
2 lished within the Commission an Athlete Advi-
3 sory Council to provide advice and expertise to
4 the Commission.

5 (B) MEMBERSHIP.—The members of the
6 Athlete Advisory Council shall be selected by
7 the Board as follows:

8 (i) 50 percent shall be current college
9 athletes enrolled at institutions of higher
10 education.

11 (ii) 50 percent shall be former college
12 athletes who have graduated from institu-
13 tions of higher education.

14 (2) OTHER ADVISORY COUNCILS.—There are
15 established within the Commission, for the purpose
16 of providing advice and expertise to the Commis-
17 sion—

18 (A) a Health, Wellness, and Safety Advi-
19 sory Council;

20 (B) an Educational Opportunity Advisory
21 Council; and

22 (C) a Labor, Gender Equity, and Com-
23 pensation Advisory Council.

1 (3) TERM.—The term of a member of an advisory council established under this subsection shall
2 sory council established under this subsection shall
3 be 2 years.

4 (4) REPORT.—Not later than 1 year after the
5 date of the enactment of this Act, the Labor, Gender
6 Equity, and Compensation Advisory Council shall
7 issue a public report that describes potential path-
8 ways for college athletes to collectively bargain and
9 form a union.

10 (f) OMBUDSMAN FOR COLLEGE ATHLETES.—

11 (1) IN GENERAL.—The Commission shall hire
12 and provide salary, benefits, and administrative ex-
13 penses for an ombudsman for college athletes (re-
14 ferred to in this subsection as the “Ombudsman”).

15 (2) DUTIES.—The Ombudsman shall—

16 (A) provide independent advice to college
17 athletes at no cost with respect to—

18 (i) the provisions of this Act;

19 (ii) the constitution and bylaws of the
20 Commission; and

21 (iii) the resolution of any dispute re-
22 lating to the opportunity of a college ath-
23 lete to enter into an endorsement contract;

24 (B) assist college athletes in the resolution
25 of any such dispute; and

1 (C) report to the Board and the Athlete
2 Advisory Council on a regular basis.

3 (3) HIRING PROCEDURES; VACANCY; TERMI-
4 NATION.—

5 (A) HIRING PROCEDURES.—The procedure
6 for hiring the Ombudsman shall be as follows:

7 (i) The Athlete Advisory Council shall
8 provide the chair of the Board with the
9 name of 1 qualified individual to serve as
10 Ombudsman.

11 (ii) The chair of the Board shall im-
12 mediately transmit the name of such indi-
13 vidual to the Board.

14 (iii) The Board shall hire or not hire
15 such individual after fully considering the
16 advice and counsel of the Athlete Advisory
17 Council.

18 (B) VACANCY.—If there is a vacancy in
19 the position of Ombudsman, the nomination
20 and hiring procedure set forth in this para-
21 graph shall be followed in a timely manner.

22 (C) TERMINATION.—The Commission may
23 terminate the employment of an individual serv-
24 ing as Ombudsman only if—

1 (i) the termination is carried out in
2 accordance with the applicable policies and
3 procedures of the Commission;

4 (ii) the termination is initially rec-
5 ommended to the Board by—

6 (I) a majority of the Board; or

7 (II) a majority of the Athlete Ad-
8 visory Council; and

9 (iii) the Board fully considers the ad-
10 vice and counsel of the Athlete Advisory
11 Council before deciding whether to termi-
12 nate the employment of such individual.

13 (g) RESTRICTIONS.—

14 (1) PROFIT AND STOCK.—The Commission may
15 not engage in business for profit or issue stock.

16 (2) POLITICAL ACTIVITIES.—The Commission
17 shall be nonpolitical and may not promote the can-
18 didacy of any individual seeking public office.

19 (h) HEADQUARTERS, PRINCIPAL OFFICE, AND
20 MEETINGS.—The Commission shall maintain its principal
21 office and national headquarters in a location in the
22 United States decided by the Commission. The Commis-
23 sion may hold its annual and special meetings in the
24 places decided by the Commission.

1 (i) SERVICE OF PROCESS.—As a condition to the ex-
2 ercise of any authority or privilege granted by this section,
3 the Commission shall have a designated agent to receive
4 service of process for the Commission. Notice to or service
5 on the agent, or mailed to the business address of the
6 agent, is notice to or service on the Commission.

7 (j) REPORTS.—Not less frequently than annually, the
8 Commission shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate, the Committee
10 on Energy and Commerce of the House of Representa-
11 tives, and the President a report that includes—

12 (1) the number of disputes resolved by the
13 Commission in the preceding year under subsection
14 (d)(4), and if applicable, a description of such dis-
15 pute resolutions;

16 (2) the number of such disputes filed in the
17 preceding year;

18 (3) with respect to a violation of this Act or a
19 standard or rule established under this Act, a sum-
20 mary of the violation and a description of the en-
21 forcement action taken by the Commission; and

22 (4) recommendations for legislative or adminis-
23 trative action, as the Commission considers appro-
24 priate.

1 (k) APPLICABILITY OF THE FREEDOM OF INFORMA-
2 TION ACT.—The provisions of section 552 of title 5,
3 United States Code (commonly referred to as the “Free-
4 dom of Information Act”), shall apply to the activities,
5 records, and proceedings of the Commission.

6 (l) FUNDING.—Any fee assessed or fine imposed
7 under this Act shall be allocated toward funding the Com-
8 mission and its activities.

9 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$50,000,000 for each of fiscal years 2021 and 2022.

12 (n) EFFECTIVE DATE.—This section shall take effect
13 on the date that is 2 years after the date of the enactment
14 of this Act.

15 **SEC. 12. ENFORCEMENT.**

16 (a) ENFORCEMENT BY COMMISSION.—

17 (1) IN GENERAL.—The Commission shall carry
18 out enforcement actions for any violation of this Act,
19 or a standard or rule established under this Act, in-
20 cluding by—

21 (A) levying fines;

22 (B) imposing penalties, including suspen-
23 sion of an individual or entity from participa-
24 tion in intercollegiate athletics competition for a
25 period determined by the Commission; and

1 (C) commencing civil actions and seeking
2 all appropriate legal, equitable, or other relief,
3 including damages and injunctions.

4 (2) NOTICE.—With respect to an enforcement
5 action carried out under this subsection, the Com-
6 mission shall provide to the individual or entity con-
7 cerned notice of the enforcement action and an op-
8 portunity for a hearing.

9 (3) IMPOSITION OF FINES.—With respect to a
10 violation of this Act, or a standard or rule estab-
11 lished under this Act, that has damaged or unjustly
12 enriched a regulated party, the Commission shall im-
13 pose a fine in an amount not less than the value of
14 the damage or unjust enrichment.

15 (4) REPRESENTATION.—The Commission may
16 act in its own name and through its own attorneys—

17 (A) in enforcing any provision of this Act,
18 the standards and rules established under this
19 Act, or any other law or regulation; and

20 (B) in any civil action, suit, or proceeding
21 to which the Commission is a party.

22 (5) COMPROMISE OF ACTIONS.—The Commis-
23 sion may compromise or settle any civil action if
24 such compromise or settlement is approved by the
25 court.

1 (6) FORUM.—A civil action under this Act may
2 be brought by the Commission in a Federal district
3 court of competent jurisdiction.

4 (7) RULE OF CONSTRUCTION.—An enforcement
5 action carried out by the Commission shall be con-
6 strued as an enforcement action carried out by the
7 Federal Government, and the Federal Government
8 shall be considered to be exercising political respon-
9 sibility for such action, regardless of any claim of a
10 State to sovereign immunity under the 11th Amend-
11 ment to the Constitution of the United States or any
12 other law.

13 (b) INSTITUTIONS OF HIGHER EDUCATION.—Section
14 487(a) of the Higher Education Act of 1965 (20 U.S.C.
15 1094(a)) is amended by adding at the end the following:

16 “(30)(A) The institution will—

17 “(i) comply, and ensure that all business
18 partners of the institution comply, with the re-
19 quirements of sections 3, 5, 8, 9, and 10(a) of
20 the College Athletes Bill of Rights; and

21 “(ii) not participate in any athletic con-
22 ference or athletic association that fails to com-
23 ply with such requirements.”.

24 (c) PRIVATE RIGHT OF ACTION.—A college athlete
25 aggrieved by a violation of this Act, or a standard or rule

1 established under this Act, may bring a civil action for
2 all appropriate remedies in a Federal district court of com-
3 petent jurisdiction.

4 (d) ACTIONS BY STATE.—

5 (1) IN GENERAL.—In any case in which the at-
6 torney general of a State, or such other official as
7 the State may designate, has reason to believe that
8 an interest of the residents of such State has been
9 or is threatened or adversely affected by an act or
10 practice in violation of this Act, or a standard or
11 rule established under this Act, the State may bring
12 a civil action on behalf of the residents of the State
13 in an appropriate State court or a district court of
14 the United States that is located in the State and
15 has jurisdiction over the defendant—

16 (A) to enforce compliance with this Act or
17 such standard or rule; and

18 (B) for all appropriate remedies.

19 (2) NOTICE.—

20 (A) IN GENERAL.—Before filing an action
21 under this subsection or commencing any other
22 administrative or regulatory proceeding to en-
23 force this Act, or a standard or rule established
24 under this Act, the attorney general, official, or

1 agency of the State involved shall provide to the
2 Commission—

3 (i) a written notice of such action or
4 proceeding; and

5 (ii) a copy of the complaint for such
6 action or proceeding.

7 (B) CONTENTS OF NOTICE.—The written
8 notice required by subparagraph (A) shall in-
9 clude—

10 (i) the identity of the parties;

11 (ii) a description of the alleged facts
12 underlying the action or proceeding; and

13 (iii) an assessment as to whether
14 there is a need to coordinate the prosecu-
15 tion of the action or proceeding so as not
16 to interfere with any action or proceeding
17 undertaken by the Commission or a Fed-
18 eral agency.

19 (C) COMMISSION RESPONSE.—On receiving
20 notice under this paragraph of an action or pro-
21 ceeding under this subsection, the Commission
22 shall have the right—

23 (i) to intervene in the action or pro-
24 ceeding;

25 (ii) upon so intervening—

1 (I) to remove the action or pro-
2 ceeding to the appropriate United
3 States district court, if the action or
4 proceeding was not originally brought
5 there; and

6 (II) to be heard on all matters
7 arising in the action or proceeding;
8 and

9 (iii) to appeal any order or judgment,
10 to the same extent as any other party in
11 the proceeding.

12 (3) REGULATIONS.—The Commission shall pre-
13 scribe regulations to implement this subsection and,
14 from time to time, provide guidance to further co-
15 ordinate actions with State attorneys general and
16 other regulators.

17 (4) RULE OF CONSTRUCTION.—Nothing in this
18 subsection may be construed as altering, limiting, or
19 affecting the authority of a State attorney general or
20 any other regulatory or enforcement agency or au-
21 thority to bring an action or other regulatory pro-
22 ceeding arising solely under the law in effect in that
23 State.

24 (e) APPLICABILITY OF SPORTS AGENT RESPONSIBI-
25 LITY AND TRUST ACT TO COLLEGE ATHLETE

1 AGENTS.—Sections 3 through 5 of the Sports Agent Re-
2 sponsibility and Trust Act (15 U.S.C. 7802–7804) shall
3 apply with respect to college athlete agents.

4 (f) SOVEREIGN IMMUNITY.—The use or receipt by a
5 State of Federal financial assistance for a work-study pro-
6 gram under section 3485 of title 38, United States Code,
7 shall constitute a waiver of sovereign immunity, under the
8 11th Amendment to the Constitution of the United States
9 or any other law, to any suit brought by any college athlete
10 aggrieved by a violation of this Act or by any enforcement
11 action brought by the Commission, for legal, equitable, or
12 other relief (including damages and injunctions) under
13 this Act.

14 **SEC. 13. RULES OF CONSTRUCTION.**

15 Nothing in this Act may be construed—

16 (1) to preempt, modify, limit, or supersede any
17 State law or regulation relating to sports agents, at-
18 torneys, or other athlete representatives; or

19 (2) to modify or limit the enforcement authority
20 of the Occupational Safety and Health Administra-
21 tion, the Department of Labor, the Department of
22 Education, or any other Federal agency.

23 **SEC. 14. SEVERABILITY.**

24 If any provision of this Act, an amendment made by
25 this Act, or the application of such provision or amend-

1 ment to any person or circumstance is held to be unconsti-
2 tutional, the remainder of this Act and the amendments
3 made by this Act, and the application of the provision or
4 amendment to any other person or circumstance, shall not
5 be affected.

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