

117TH CONGRESS
2D SESSION

S. 4724

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

AUGUST 2, 2022

Mr. BOOKER (for himself, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. WYDEN, and Mr. PADILLA) 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”—

20 (A) means—

21 (i) an enrolled college athlete; and

22 (ii) a former college athlete; and

23 (B) includes a nonimmigrant described in
24 subparagraph (F) of section 101(a)(15) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1101(a)(15)) who is present in the United
2 States pursuant to a valid, unexpired visa
3 issued under that subparagraph.

4 (5) COLLEGE ATHLETE AGENT.—The term
5 “college athlete agent” means an athlete agent (as
6 defined in section 2 of the Sports Agent Responsi-
7 bility and Trust Act (15 U.S.C. 7801)) who is cer-
8 tified in accordance with the standards established
9 under section 11(d)(1).

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

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

16 (8) COST OF ATTENDANCE.—The term “cost of
17 attendance”—

18 (A) has the meaning given the term in sec-
19 tion 472 of the Higher Education Act of 1965
20 (20 U.S.C. 10871l); and

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

1 (9) COVERED COMPENSATION.—The term “cov-
2 ered compensation”—

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

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

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

13 (11) ENROLLED COLLEGE ATHLETE.—The
14 term “enrolled college athlete” means an individual
15 who—

16 (A) has been accepted to an institution of
17 higher education and intends to participate in
18 an intercollegiate sport for the institution of
19 higher education; or

20 (B)(i) is enrolled in an institution of high-
21 er education; and

22 (ii) participates or participated in an inter-
23 collegiate sport for the institution of higher
24 education.

1 (12) FORMER COLLEGE ATHLETE.—The term
2 “former college athlete” means an individual who
3 participated in an intercollegiate sport for an institu-
4 tion of higher education but is no longer enrolled in
5 an institution of higher education.

6 (13) FUND.—The term “Fund” means the
7 medical trust fund established under section 5(b).

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

10 (A) means a scholarship, grant, or other
11 form of financial assistance, including the provi-
12 sion of tuition, room, board, books, or funds for
13 fees or personal expenses, that—

14 (i) is paid or provided by an institu-
15 tion of higher education to a student for
16 the student’s undergraduate or graduate
17 course of study; and

18 (ii) is in an amount that does not ex-
19 ceed the cost of attendance for such stu-
20 dent at the institution of higher education;
21 and

22 (B) does not include covered compensation.

23 (15) IMAGE.—The term “image”, with respect
24 to a college athlete, means a photograph, video, or
25 computer-generated representation that—

1 (A) identifies, is linked to, or is reasonably
2 linkable to the college athlete; and

3 (B) relates to the intercollegiate athletic
4 ability, standing, participation, or performance
5 of the college athlete.

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

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

15 (A) exercises authority over intercollegiate
16 athletics; and

17 (B) is engaged in commerce or in any in-
18 dustry or activity affecting commerce.

19 (18) LIKENESS.—The term “likeness” means—

20 (A) with respect to a college athlete of a
21 sport for which the college athlete has a jersey
22 number, the jersey number associated with the
23 college athlete and the sport in which the col-
24 lege athlete participates at a particular institu-
25 tion of higher education during the period of

1 the participation of the college athlete in the
2 sport at the institution of higher education, if
3 the jersey number is accompanied by—

4 (i) a logo or color scheme that is
5 clearly associated with the institution of
6 higher education; or

7 (ii) some other means by which the
8 jersey number is clearly associated with
9 the particular college athlete; and

10 (B) with respect to any college athlete, the
11 uniquely identifiable voice, physical characteris-
12 tics, catch phrase, or nickname of the college
13 athlete, and any other trademark that identifies
14 or distinguishes the college athlete, as such
15 voice, catch phrase, nickname, and trademark
16 relate to the intercollegiate athletic ability,
17 standing, participation, or performance of the
18 college athlete.

19 (19) NAME.—The term “name”, with respect to
20 a college athlete, means the first name and last or
21 family name that identifies the college athlete, a
22 nickname or a preferred name of the college athlete,
23 and a name that the college athlete uses to identify
24 the college athlete, as such names and nicknames re-

1 late to the intercollegiate athletic ability, standing,
2 participation, or performance of the college athlete.

3 (20) PROSPECTIVE COLLEGE ATHLETE.—The
4 term “prospective college athlete” means an indi-
5 vidual—

6 (A) who has remaining intercollegiate ath-
7 letics eligibility;

8 (B) with whom an athletic program has
9 communicated with respect to intercollegiate
10 sports participation; and

11 (C) who has not signed an agreement to
12 join such athletic program.

13 (21) THIRD PARTY.—The term “third party”
14 means an individual or entity other than an institu-
15 tion of higher education, a conference, or an inter-
16 collegiate athletic association.

17 (22) TITLE IX.—The term “Title IX” means
18 title IX of the Education Amendments of 1972 (20
19 U.S.C. 1681 et seq.).

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

21 (a) RIGHT TO MARKET NAME, IMAGE, LIKENESS, OR
22 ATHLETIC REPUTATION.—

23 (1) IN GENERAL.—Subject to a limitation pur-
24 suant to paragraph (3), an institution of higher edu-
25 cation, an intercollegiate athletic association, or a

1 conference may not restrict the ability of college ath-
2 letes, individually or as a group, to market the use
3 of their names, images, likenesses, or athletic rep-
4 utations.

5 (2) GROUP LICENSING.—A person may not use
6 the name, image, likeness, or athletic reputation of
7 any member of a group described in paragraph (1)
8 to sell or promote any product, including college ath-
9 lete biometric information, unless the person obtains
10 a license from the group for that purpose.

11 (3) CERTAIN LIMITATIONS PERMITTED WITH
12 RESPECT TO PARTICULAR INDUSTRIES.—

13 (A) STATES.—Notwithstanding paragraph
14 (1), a State may prohibit college athletes resid-
15 ing in the State from entering into endorsement
16 contracts with entities in a particular industry
17 if the State also prohibits institutions of higher
18 education located in the State from entering
19 into agreements with such entities.

20 (B) INSTITUTIONS OF HIGHER EDU-
21 CATION.—

22 (i) IN GENERAL.—Notwithstanding
23 paragraph (1), an institution of higher
24 education may prohibit enrolled college
25 athletes from entering into endorsement

1 contracts with a third party in a particular
2 industry if—

3 (I) the endorsement contract
4 would violate the student code of con-
5 duct of the institution; and

6 (II) the institution refrains from
7 entering into agreements with all enti-
8 ties in the particular industry.

9 (ii) STUDENT CODES OF CONDUCT.—

10 The student code of conduct of an institu-
11 tion of higher education may not interfere
12 with or void the rights of college athletes
13 under State or Federal law.

14 (C) NOTIFICATION OF ENROLLED COL-
15 LEGE ATHLETES.—An institution of higher
16 education shall provide to each enrolled college
17 athlete and to the Commission a list of entities
18 with which institutions of higher education and
19 college athletes are prohibited from entering
20 into endorsement contracts pursuant to sub-
21 paragraph (A) or (B).

22 (4) INSTITUTION OF HIGHER EDUCATION
23 AGREEMENTS WITH THIRD PARTIES.—In conjunc-
24 tion with an endorsement contract of a college ath-
25 lete, an institution of higher education may enter

1 into a separate agreement with the third party con-
 2 cerned for the intellectual property rights or the
 3 name, image, likeness, or athletic reputation rights
 4 of the institution of higher education, including the
 5 use of the logos and team uniforms of the institution
 6 of higher education, if—

7 (A) the third party provides covered com-
 8 pensation directly to the college athlete; and

9 (B) the agreement between the institution
 10 of higher education and the third party is not
 11 initiated or coordinated by the institution of
 12 higher education.

13 (5) INSTITUTION-SPONSORED COMPETITION
 14 AND PRACTICES.—

15 (A) IN GENERAL.—Except as provided in
 16 subparagraph (B), an institution of higher edu-
 17 cation may require an enrolled college athlete to
 18 use, during a competition or practice sponsored
 19 by the institution of higher education, apparel
 20 selected by the institution of higher education.

21 (B) EXCEPTIONS.—

22 (i) ACTIVITIES OTHER THAN MANDA-
 23 TORY TEAM ACTIVITIES.—An institution of
 24 higher education may not prohibit, and
 25 may not enter into a contract that pro-

1 hibits, an enrolled college athlete from car-
2 rying out activities pursuant to an endorse-
3 ment contract during a period in which the
4 enrolled college athlete is not engaged in a
5 mandatory team activity.

6 (ii) FOOTWEAR.—An institution of
7 higher education may not prohibit or dis-
8 courage an enrolled college athlete from
9 wearing, during mandatory team activities,
10 footwear of his or her choice that is con-
11 sistent with the rules of the applicable
12 sport, unless the footwear has lights, re-
13 flective fabric, or poses a health risk to the
14 enrolled college athlete.

15 (6) TREATMENT OF COVERED COMPENSA-
16 TION.—Covered compensation—

17 (A) shall not be considered financial aid by
18 any institution of higher education, intercolle-
19 giate athletic association, conference, or third
20 party; and

21 (B) notwithstanding section 480(j) of the
22 Higher Education Act of 1965 (20 U.S.C.
23 1087vv(j)), shall not be included as financial as-
24 sistance for purposes of determining a student's
25 eligibility for financial assistance under title IV

1 of the Higher Education Act of 1965 (20
2 U.S.C. 1070 et seq.).

3 (7) PRIVACY.—

4 (A) IN GENERAL.—Endorsement contracts
5 and other financial information provided by an
6 enrolled college athlete to an institution of high-
7 er education shall not be subject to Federal or
8 State open records laws.

9 (B) PROHIBITION ON COMPELLED DISCLO-
10 SURE.—An intercollegiate athletic association
11 or a conference may not require or compel a
12 college athlete to disclose information about an
13 endorsement contract or covered compensation
14 related to the use of the college athlete’s name,
15 image, or likeness.

16 (C) CONFIDENTIALITY.—An institution of
17 higher education may require a college athlete
18 to disclose information about an endorsement
19 contract or covered compensation, but must
20 keep the terms and nature of the contract con-
21 fidential.

22 (b) RIGHT TO COMPENSATION FOR EXPENSES.—

23 (1) IN GENERAL.—An institution of higher edu-
24 cation, an intercollegiate athletic association, or a
25 conference may not restrict the ability of an enrolled

1 college athlete to receive payment from any source
2 for—

3 (A) transportation for the enrolled college
4 athlete and friends or family members of the
5 enrolled college athlete during any period in
6 which the enrolled college athlete is addressing
7 a physical or mental health concern or partici-
8 pating in intercollegiate 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 or covered by a grant-in-aid.

15 (2) GRANT-IN-AID GUARANTEES.—

16 (A) Receipt of covered compensation shall
17 not adversely affect—

18 (i) an enrolled college athlete's eligi-
19 bility or opportunity to apply for a grant-
20 in-aid; or

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

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

1 based on the enrolled college athlete having en-
2 tered into an endorsement 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 representation with respect to an
8 endorsement contract or employment outside the in-
9 stitution of higher education in which the college
10 athlete is enrolled, including—

11 (A) representation provided by agents,
12 group licensing entities, and financial advisors;
13 and

14 (B) legal representation by attorneys.

15 (2) PREVENTING CONFLICTS OF INTEREST.—

16 An institution of higher education, an intercollegiate
17 athletic association, a conference, or an entity that
18 has represented or has had a direct business part-
19 nership with an institution of higher education, an
20 intercollegiate athletic association, or a conference,
21 may not—

22 (A) represent college athletes with respect
23 to the use of their names, images, likenesses, or
24 athletic reputations;

1 (B) host or provide a platform or service
2 related to the marketing or branding of a col-
3 lege athlete's name, image, likeness, or athletic
4 reputation;

5 (C) regulate the representation of college
6 athletes with respect to the use of their names,
7 images, likenesses, or athletic reputations;

8 (D) engage in the certification of individ-
9 uals for such representation; or

10 (E) attempt to influence, or base co-brand-
11 ing decisions on, a college athlete's choice of
12 representation.

13 (d) RIGHT TO TRANSFER.—

14 (1) IN GENERAL.—An enrolled college athlete
15 shall be entitled to transfer from one institution of
16 higher education to another notwithstanding any
17 contract to which an enrolled college athlete is a
18 party or national letter of intent signed by the en-
19 rolled college athlete.

20 (2) LIMITATION ON TRANSFER PENALTIES.—
21 Institutions of higher education, intercollegiate ath-
22 letic associations, and conferences shall allow an en-
23 rolled college athlete to transfer from one institution
24 of higher education to another without losing grant-

1 in-aid opportunities or eligibility for intercollegiate
2 athletics if—

3 (A) the college athlete is subject to an abu-
4 sive or negligent environment within the institu-
5 tion of higher education; or

6 (B)(i) it is the first time the enrolled col-
7 lege athlete transfers or there is a head coach-
8 ing change in the enrolled college athlete's
9 sport;

10 (ii) not less than 7 days before transfer-
11 ring, the enrolled college athlete provides to his
12 or her athletic director notice of intent to trans-
13 fer; and

14 (iii) the transfer does not occur during—

15 (I) the season or the post-season pe-
16 riod of the sport of the enrolled college
17 athlete; or

18 (II) the 45-day period preceding the
19 date on which such season commences.

20 (3) GRANT-IN-AID PROTECTION.—An institution
21 of higher education may not eliminate or reduce the
22 grant-in-aid of a college athlete who submits a writ-
23 ten notice of intent to transfer or registers in a
24 transfer portal, but rescinds the notice of intent to

1 transfer or exits the transfer portal, as applicable,
2 on a date that is—

3 (A) not later than 45 days after having ini-
4 tially registered for the transfer portal; and

5 (B) not less than 100 days before the be-
6 ginning of the season of the sport of the college
7 athlete.

8 (4) INDUCEMENTS TO TRANSFER PROHIB-
9 ITED.—

10 (A) IN GENERAL.—An institution of higher
11 education, an intercollegiate athletic association,
12 a conference, or a business partner of an insti-
13 tution of higher education, an intercollegiate
14 athletic association, or a conference may not
15 offer or provide to an enrolled college athlete
16 any compensation or benefit (other than grant-
17 in-aid) that is—

18 (i) conditioned on the enrolled college
19 athlete transferring to a particular institu-
20 tion of higher education; or

21 (ii) intended to induce the enrolled
22 college athlete to transfer to a particular
23 institution of higher education.

24 (B) CAMPUS TOURS.—Notwithstanding
25 subparagraph (A), an institution of higher edu-

1 cation, an intercollegiate athletic association, or
 2 a conference may provide an enrolled college
 3 athlete with reimbursement for expenses relat-
 4 ing to campus tours or visits.

5 (e) RIGHT TO ENTER PROFESSIONAL SPORTS
 6 DRAFTS.—

7 (1) IN GENERAL.—An institution of higher edu-
 8 cation, an intercollegiate athletic association, or a
 9 conference may not prevent the participation of an
 10 enrolled college athlete in intercollegiate athletics
 11 based on the enrolled college athlete having entered
 12 into a professional sports draft, if the enrolled col-
 13 lege athlete—

14 (A) does not receive compensation, directly
 15 or indirectly, from a professional sports league;
 16 and

17 (B) not later than 7 days after the comple-
 18 tion of the draft or tryout, notifies his or her
 19 athletic director of his or her intent to forgo
 20 participation in the professional league.

21 (2) PROHIBITION ON OBLIGATIONS AND PEN-
 22 ALTIES.—A professional sports league may not place
 23 any obligation on, or penalize, a college athlete for
 24 entering its draft but choosing instead to participate

1 in intercollegiate athletics before entering into a con-
2 tract with a professional team or club.

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 an enrolled college athlete
9 in intercollegiate athletics competition based on the en-
10 rolled college athlete 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 enrolled college athletes restric-
20 tions on speech that are more stringent than restric-
21 tions on speech imposed on other students enrolled
22 in the institution of higher education;

23 (3) except as otherwise provided in this Act,
24 levy against an enrolled college athlete any fine or
25 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 opportunities related
6 to a college athlete's use or profit from his or her
7 name, image, likeness, or athletic reputation; 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. RIGHT TO TITLE IX EQUITY.**

14 (a) INSTITUTIONS OF HIGHER EDUCATION.—Each
15 institution of higher education shall—

16 (1) not later than July 1 each year—

17 (A) complete an evaluation, using all rel-
18 evant measures, of the compliance of the insti-
19 tution of higher education with Title IX in ath-
20 letics; and

21 (B) publish such evaluation on a publicly
22 accessible internet website of the institution of
23 higher education;

24 (2) publish on a publicly accessible internet
25 website of the institution of higher education the

1 name and contact information of the institution's
2 Title IX coordinator; and

3 (3) inform college athletes enrolled at the insti-
4 tution of higher education to whom an inquiry or a
5 complaint relating to Title IX in athletics may be
6 addressed.

7 (b) INTERCOLLEGIATE ATHLETIC ASSOCIATIONS AND
8 CONFERENCES.—An intercollegiate athletic association or
9 a conference shall not discriminate on the basis of sex with
10 regard to the provision, to college athletes in comparable
11 sports, of health and safety, medical care, rest, room and
12 board, nutrition, athletic facilities, athletic participation,
13 transportation, and event promotions.

14 (c) ENFORCEMENT.—An intercollegiate athletics as-
15 sociation shall—

16 (1) permanently ban an individual from inter-
17 collegiate athletics if the individual knowingly pro-
18 vides misleading information or causes omissions for
19 the purpose of affecting a Title IX evaluation re-
20 ferred to in this section; and

21 (2) provide college athletes the means to keep
22 their identity confidential when making a Title IX in
23 athletics inquiry or complaint to the intercollegiate
24 athletics association.

1 **SEC. 5. MEDICAL EXPENSES FOR SPORTS-RELATED INJU-**
2 **RIES AND HEALTH CARE SERVICES FOR COL-**
3 **LEGE ATHLETES.**

4 (a) COVERAGE AND EXPENSES.—

5 (1) INSTITUTIONS OF HIGHER EDUCATION RE-
6 PORTING \$20,000,000 OR MORE IN ATHLETICS REV-
7 ENUE.—Each institution of higher education report-
8 ing \$20,000,000 or more in total athletics revenue
9 to the Department of Education during the pre-
10 ceding academic year shall be financially responsible
11 for the out-of-pocket sports-related medical expenses
12 of each college athlete of the institution, including
13 expenses related to communicable illnesses acquired
14 by a former college athlete during their intercolle-
15 giate athletics eligibility, during the 2-year period
16 beginning on the date of the former college athlete's
17 last team athletic activity.

18 (2) INSTITUTIONS OF HIGHER EDUCATION RE-
19 PORTING \$50,000,000 OR MORE IN ATHLETICS REV-
20 ENUE.—Each institution of higher education report-
21 ing \$50,000,000 or more in total athletics revenue
22 to the Department of Education during the pre-
23 ceding academic year shall—

24 (A) offer nationally portable primary med-
25 ical insurance to each enrolled college athlete,
26 paid for by the institution; and

1 (B) be financially responsible for the out-
2 of-pocket sports-related medical expenses of
3 each college athlete of the institution, including
4 expenses related to communicable illnesses ac-
5 quired by a former college athlete during their
6 intercollegiate athletics eligibility, during the 4-
7 year period beginning on the date on which the
8 former college athlete ceased to be an enrolled
9 college athlete.

10 (3) PAYMENT OF OUT-OF-NETWORK EX-
11 PENSES.—If a college athlete of an institution of
12 higher education that is responsible for the college
13 athlete’s medical expenses chooses to receive medical
14 care independent from the institution of higher edu-
15 cation’s network, the institution of higher education
16 shall pay the amount that is the lesser of—

17 (A) the out-of-pocket expenses for such
18 medical care; or

19 (B) the amount the institution would have
20 paid if the college athlete had received the med-
21 ical care within the institution of higher edu-
22 cation’s network.

23 (4) SECOND OPINIONS.—An institution of high-
24 er education—

1 (A) shall pay for a college athlete to obtain
2 an independent second opinion with respect to
3 a sports-related medical condition; and

4 (B) shall not impede a college athlete's
5 right to obtain such second medical opinion.

6 (b) MEDICAL TRUST FUND.—

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

9 (A)(i) for enrolled college athletes, the out-
10 of-pocket expenses relating to any athletic pro-
11 gram-related injury or illness not covered by an
12 institution of higher education; and

13 (ii) during the 4-year period beginning on
14 the date on which an individual ceases to be an
15 enrolled college athlete, the out-of-pocket ex-
16 penses relating to any athletic program-related
17 injury or illness suffered by such individual
18 while the individual was an enrolled college ath-
19 lete;

20 (B) medical expenses for college athletes
21 diagnosed with athletic program-related condi-
22 tions, including chronic traumatic
23 encephalopathy or other cognitive impairment;
24 and

1 (C) independent medical second opinions
2 for enrolled college athletes.

3 (2) CONTRIBUTIONS.—

4 (A) IN GENERAL.—Not later than July 31
5 each year, each athletic association and con-
6 ference that generates over \$200,000,000 in an-
7 nual athletics revenue shall make contributions
8 to the Fund in an amount determined by the
9 Commission that totals, in the aggregate, not
10 more than \$50,000,000 to help cover the costs
11 of medical treatment described in paragraph (1)
12 for the applicable academic year.

13 (B) CONSIDERATION.—In determining
14 amounts to be contributed by athletic associa-
15 tions and conferences under subparagraph (A),
16 the Commission shall take into account their re-
17 spective athletics revenues.

18 (C) PENALTY FOR NONCOMPLIANCE.—

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

23 (I) make the delinquent contribu-
24 tion retroactively; and

25 (II) be assessed—

1 (aa) interest on such con-
2 tribution at a rate of 10 percent
3 annually; and

4 (bb) a civil penalty that is
5 the greater of—

6 (AA) for each academic
7 year concerned, the amount
8 equal to 20 percent of the
9 total athletics revenue gen-
10 erated by the institution of
11 higher education; or

12 (BB) \$200,000.

13 (ii) WAIVER.—In the case of a first
14 delinquent contribution, the Commission
15 may waive the applicability of clause (i) on
16 request by the institution of higher edu-
17 cation concerned if the institution of high-
18 er education makes the delinquent pay-
19 ment not later than August 14 of the year
20 in which the payment was due.

21 (c) PHYSICAL EXAMINATIONS.—

22 (1) IN GENERAL.—Not later than 3 days after
23 the date on which the regular season of the sport of
24 a college athlete ends during the college athlete's
25 final year of intercollegiate athletics eligibility (or in

1 the case of a transfer, not later than 3 days after
2 receiving a college athlete's notice of intent to trans-
3 fer), an institution of higher education shall provide
4 the college athlete notice of, and an opportunity to
5 undergo, a physical examination within or inde-
6 pendent of the institution of higher education's net-
7 work for the purpose of diagnosing any athletic pro-
8 gram-related injury or condition.

9 (2) FORMER COLLEGE ATHLETES.—A former
10 college athletes shall be allowed not less than 60
11 days to complete a physical examination under para-
12 graph (1).

13 (d) SECOND OPINIONS.—An enrolled college athlete
14 shall have the right to obtain a medical second opinion
15 independent from the medical opinion given by the institu-
16 tion of higher education of the enrolled college athlete.

17 (e) INDEPENDENCE OF TRAINERS, LICENSED MEN-
18 TAL HEALTH PROFESSIONALS, MEDICAL PERSONNEL,
19 AND VOLUNTEERS.—

20 (1) IN GENERAL.—Any sports trainer, licensed
21 mental health professional, or medical personnel em-
22 ployed by an institution of higher education shall—

23 (A) be employed by an office or depart-
24 ment of the institution of higher education that
25 is independent of the athletic department; and

1 (B) operate independently from the ath-
2 letic department.

3 (2) VOLUNTEERS.—Any sports trainer, licensed
4 mental health professional, or medical personnel who
5 volunteers to provide athletic training or mental
6 health or medical services for college athletes for an
7 institution of higher education shall operate inde-
8 pendently from the athletic department.

9 **SEC. 6. HEALTH, WELLNESS, AND SAFETY STANDARDS.**

10 (a) ESTABLISHMENT OF STANDARDS.—

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

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

23 (A) consult with—

1 (i) the Sports Science Institute of the
2 National Collegiate Athletic Association;
3 and

4 (ii) college athlete health and safety
5 advocacy communities; and

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

12 (3) CONTENT.—The standards established
13 under paragraph (1) shall address—

14 (A) cardiac health;

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

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

19 (D) mental health;

20 (E) nutrition, sleep, and performance;

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

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

25 (H) athletics health care administration;

- 1 (I) weight and pain management;
2 (J) Rhabdomyolysis;
3 (K) sickle cell trait;
4 (L) asthma;
5 (M) best practices to prevent serious harm
6 in sports medicine, physical therapy, athletic
7 training, and athletic strength and conditioning;
8 (N) coaching principles prioritizing college
9 athlete well-being; and
10 (O) any other topic the Secretary considers
11 appropriate.

12 (b) TRAINERS AND MEDICAL PERSONNEL.—Athletic
13 trainers and physicians shall have the autonomous, un-
14 challengeable authority to determine medical management
15 and return-to-play decisions with respect to college ath-
16 letes, and a coach or other nonmedical personnel of an
17 institution of higher education may not attempt to influ-
18 ence or disregard such decisions.

19 (c) ROUTINE COMPLIANCE AUDITS.—Not less fre-
20 quently than annually, the Commission shall conduct an
21 audit of athletic departments to verify compliance with the
22 standards established under subsection (a)(1).

23 (d) PENALTIES.—

1 (1) INDIVIDUALS.—An individual shall be sub-
2 ject to a lifetime ban on involvement in intercolle-
3 giate athletics if the individual is found to have—

4 (A) caused serious harm—

5 (i) due to noncompliance with a
6 standard established under subsection
7 (a)(1); or

8 (ii) by failing to adequately address
9 such noncompliance;

10 (B) threatened or retaliated against any
11 individual or entity that reports such non-
12 compliance;

13 (C) knowingly provided false information;

14 or

15 (D) attempted to obstruct an investigation
16 by the Commission related to a possible viola-
17 tion of such a standard.

18 (2) INSTITUTIONS OF HIGHER EDUCATION.—An
19 institution of higher education found to be in non-
20 compliance with a standard established under sub-
21 section (a)(1) shall be responsible for medical and
22 academic expenses related to the resulting harm of
23 a college athlete and any other penalty or remedy,
24 as determined by the Commission.

1 **SEC. 7. COLLEGE ATHLETES' RIGHT TO EDUCATIONAL OUT-**
 2 **COMES.**

3 (a) **GUARANTEE OF GRANT-IN-AID.—**

4 (1) **IN GENERAL.—**Except as provided in para-
 5 graph (3), an institution of higher education that
 6 provides an enrolled college athlete with grant-in-aid
 7 for an academic year shall provide the individual
 8 with grant-in-aid described in paragraph (2) for
 9 each subsequent academic year in which the indi-
 10 vidual is enrolled at the institution—

11 (A) until the individual receives an under-
 12 graduate degree from such institution; and

13 (B) regardless of athletic performance or
 14 permanent injury.

15 (2) **AMOUNT.—**Grant-in-aid awarded to an indi-
 16 vidual for a subsequent year in accordance with
 17 paragraph (1) shall be in an amount equal to the
 18 grant-in-aid provided to the individual for the pre-
 19 ceding year, increased annually for inflation, at a
 20 rate reported by the Bureau of Labor Statistics for
 21 the preceding year.

22 (3) **EXCEPTIONS.—**Paragraph (1) shall not
 23 apply with respect to an individual who—

24 (A) is found by the institution of higher
 25 education to have committed academic fraud or

1 other misconduct that would ordinarily result in
2 expulsion; or

3 (B) earns a grade point average of less
4 than 2.20 on a 4-point scale, or the equivalent,
5 for 2 or more consecutive semesters.

6 (b) REQUIREMENTS FOR ACADEMIC ADVISING AND
7 TUTORING.—Any academic advisor or tutoring services
8 provided to an enrolled college athlete by an institution
9 of higher education shall be independent from the athletic
10 department of the institution of higher education.

11 (c) NO INFLUENCE OR RETALIATION FOR
12 COURSEWORK.—An individual employed by or volun-
13 teering for an athletic department of an institution of
14 higher education may not—

15 (1) attempt to discourage an enrolled college
16 athlete from selecting a course or an academic major
17 of their choice; or

18 (2) retaliate against an enrolled college athlete
19 based on—

20 (A) the enrolled college athlete's selection
21 of any course or academic major; or

22 (B) the enrolled college athlete's attention
23 to coursework required by such course or major.

24 (d) NO INTERFERENCE IN EXTRACURRICULARS.—
25 An individual employed by an athletic department of an

1 institution of higher education shall not interfere with, or
2 discourage, any enrolled college athlete who wishes to se-
3 cure employment or internships, participate in student
4 groups or events, or serve as a volunteer, as long as such
5 activities do not interfere with mandatory class time, ex-
6 amination periods, or mandatory team activities.

7 **SEC. 8. COLLEGE ATHLETES' RIGHT TO TRANSPARENCY.**

8 (a) IN GENERAL.—Prospective college athletes, in-
9 cluding enrolled college athletes seeking a transfer to an
10 institution of higher education, shall have the right to
11 transparency in agreements that grant an institution of
12 higher education control over the intercollegiate athletics
13 eligibility of enrolled college athletes.

14 (b) DISCLOSURES.—

15 (1) IN GENERAL.—Such an agreement shall in-
16 clude the following disclosures, which shall be legally
17 binding:

18 (A) The amount of institution of higher
19 education athletics grant-in-aid and stipend of-
20 fered to the prospective college athlete, relative
21 to the most recent cost of attendance, for each
22 academic school year and each summer session.

23 (B) The amount and duration of institu-
24 tion of higher education athletics grant-in-aid
25 that will be provided to assist the prospective

1 college athlete with graduate degree completion
2 following the expiration of their intercollegiate
3 athletics eligibility.

4 (C) The percentage of comprehensive med-
5 ical coverage required, including any required
6 coverage to participate in intercollegiate ath-
7 letics or to enroll as a student, that will be paid
8 for by the institution of higher education during
9 the enrolled college athlete's intercollegiate ath-
10 letics eligibility.

11 (D) The percentage of any out-of-pocket
12 sports-related medical expenses, including
13 deductibles, copays, and coinsurance, that will
14 be paid by the institution of higher education
15 during the prospective college athlete's inter-
16 collegiate athletics eligibility, and any duration
17 that such expenses will be covered after the pro-
18 spective college athlete's intercollegiate athletics
19 eligibility expires. The difference between any
20 in-network and out-of-network expenses shall be
21 stated.

22 (E) Whether the institution of higher edu-
23 cation will pay for a disability insurance policy
24 to cover future loss of earnings and any limit
25 to such a policy, including the maximum pos-

1 sible benefits based on similarly situated college
2 athletes.

3 (F) Notice that a college athlete has the
4 opportunity to transfer and be released from a
5 national letter of intent as outlined in this Act.

6 (2) STRUCTURE.—The disclosures required by
7 paragraph (1) shall be listed—

8 (A) in the order in which the disclosures
9 are described in that paragraph; and

10 (B) beginning on the first page of such
11 agreement.

12 (3) RULE OF CONSTRUCTION.—Nothing in this
13 subsection may be construed to require an institu-
14 tion of higher education to provide a benefit de-
15 scribed in any of subparagraphs (A) through (F) of
16 paragraph (1) unless otherwise required by this Act.

17 **SEC. 9. FINANCIAL LITERACY AND LIFE SKILLS DEVELOP-**
18 **MENT PROGRAM.**

19 (a) IN GENERAL.—Each institution of higher edu-
20 cation shall—

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

23 (2) require every enrolled college athlete to at-
24 tend the program during the enrolled college ath-

1 lete's first year of participation in intercollegiate
2 athletics.

3 (b) FINANCIAL LITERACY AND LIFE SKILLS DEVEL-
4 OPMENT PROGRAM.—

5 (1) IN GENERAL.—Each financial literacy and
6 life skills development program offered under sub-
7 section (a) shall—

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

10 (B) be eligible for postsecondary credit,
11 consistent with the credit allocation guidelines
12 of the institution of higher education; and

13 (C) include, at a minimum, information re-
14 garding—

15 (i) the rights of college athletes under
16 this Act; and

17 (ii) time management skills, personal
18 budgeting, debt, credit, and interest rates.

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

1 **SEC. 10. REPORTING AND ACCOUNTABILITY.**

2 (a) ANNUAL REPORTING BY INSTITUTIONS OF HIGH-
3 ER EDUCATION.—Not later than 60 days after the date
4 on which an academic year ends, each institution of higher
5 education with 1 or more athletic programs shall publish
6 on a publicly accessible internet website of the institution
7 and submit to the Commission a report that includes, for
8 the academic year, the following:

9 (1) The revenues and expenditures of each ath-
10 letic program, including donations, Federal funds,
11 State funds, and compensation for athletic program
12 personnel, individually and in the aggregate.

13 (2) The average number of hours enrolled col-
14 lege athletes participating in an intercollegiate sport
15 spent on athletic activities and team travel, including
16 mandatory team activities and voluntary team activi-
17 ties, disaggregated by athletic program.

18 (3) The academic outcomes and majors for en-
19 rolled college athletes reported by the Commission,
20 disaggregated by athletic program, current or former
21 participation in an intercollegiate sport, race and
22 ethnicity, and gender.

23 (b) COMMISSION DATABASE.—The Commission shall
24 maintain a publicly accessible, searchable database that
25 contains the information provided in each annual report
26 submitted under subsection (a).

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

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

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

7 (2) To protect the academic, health, and eco-
8 nomic interests of college athletes.

9 (3) To ensure that college athlete agents faith-
10 fully represent the interests of college athletes.

11 (4) To enforce this Act and the standards es-
12 tablished under subsection (d)(1) in a manner ade-
13 quate to deter violations, and to set penalties for vio-
14 lations.

15 (5) To protect and promote the health,
16 wellness, and safety of college athletes.

17 (b) ORGANIZATION.—

18 (1) FEDERAL CHARTER.—The Commission is a
19 federally chartered corporation, governed by a board
20 of directors, and entrusted with the constitutional
21 duty to take care that the laws be faithfully exe-
22 cuted.

23 (2) PERPETUAL EXISTENCE.—Except as other-
24 wise provided in subsection (n), the Commission has
25 perpetual existence.

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

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

8 (c) BOARD OF DIRECTORS.—

9 (1) COMPOSITION.—

10 (A) IN GENERAL.—The board of directors
11 of the Commission (referred to in this section
12 as the “Board”) shall be comprised of 9 mem-
13 bers, who, subject to subparagraphs (B)
14 through (E), shall be appointed by the Presi-
15 dent, by and with the advice and consent of the
16 Senate.

17 (B) DIVERSITY.—The appointment of
18 members of the Board shall be coordinated to
19 ensure diversity among such members.

20 (C) POLITICAL PARTY.—Not more than 5
21 members of the Board may be appointed from
22 the same political party.

23 (D) REQUIREMENTS.—

24 (i) IN GENERAL.—Each member ap-
25 pointed under subparagraph (A) shall have

1 achieved distinction in his or her respective
2 professional field.

3 (ii) REPRESENTATION.—The members
4 of the Board shall be representatives of
5 former college athletes, professional fields,
6 and members of the public as follows:

7 (I) Not fewer than 5 members
8 filling the designated categories de-
9 scribed in subclauses (II) through
10 (IX) shall be former college athletes
11 who have graduated from an institu-
12 tion of higher education.

13 (II) 1 member shall have exper-
14 tise in sports, contracts, and publicity
15 rights law.

16 (III) 1 member shall have exper-
17 tise in constitutional law with respect
18 to the freedom of speech.

19 (IV) 1 member shall have exper-
20 tise in communications.

21 (V) 1 member shall be a certified
22 public accountant with expertise in
23 corporate financial audits and cor-
24 porate compliance investigations.

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

3 (VII) 1 member shall have exper-
4 tise in sports economics.

5 (VIII) 1 member shall have ex-
6 pertise in civil rights law and compli-
7 ance with Title IX.

8 (IX) 2 members shall have exper-
9 tise in health, wellness, and safety in
10 sports.

11 (E) INDEPENDENCE.—

12 (i) IN GENERAL.—An individual who
13 is employed by an institution of higher
14 education, serves on the governing body of
15 an institution of higher education, or re-
16 ceives compensation from an athletic pro-
17 gram of an institution of higher education,
18 an intercollegiate athletic association, or a
19 conference, including a commissioner or an
20 administrator of such an athletic program,
21 an intercollegiate athletic association, or a
22 conference, may not serve as a member of
23 the Board.

24 (ii) FORMER COMMISSIONERS AND AD-
25 MINISTRATORS.—A former commissioner

1 or administrator of an athletic program of
2 an institution of higher education, an
3 intercollegiate athletic association, or a
4 conference shall not be eligible to serve on
5 the Board.

6 (2) TERMS; VACANCIES.—

7 (A) TERMS.—A member of the Board shall
8 be appointed for a term of 5 years, except
9 that—

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

12 (ii) of the other members first ap-
13 pointed—

14 (I) 4 members shall be appointed
15 for a term of 5 years;

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

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

20 (B) VACANCIES.—

21 (i) IN GENERAL.—A vacancy on the
22 Board shall be filled in the manner in
23 which the original appointment was made
24 and shall be subject to any condition that

1 applied with respect to the original ap-
2 pointment.

3 (ii) FILLING UNEXPIRED TERM.—An
4 individual chosen to fill a vacancy shall be
5 appointed for the unexpired term of the
6 member replaced.

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

10 (3) CHAIR.—

11 (A) INITIAL APPOINTMENT.—The first
12 chair of the Board shall be appointed by the
13 President.

14 (B) SUBSEQUENT APPOINTMENTS.—Any
15 subsequent chair of the Board shall be elected
16 by a majority of the members of the Board.

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

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

23 (6) SALARY.—Each member of the Board shall
24 be compensated at a rate not to exceed the highest
25 annual rate of basic pay in effect for a position at

1 level IV of the Executive Schedule under section
2 5315 of title 5, United States Code.

3 (d) DUTIES AND AUTHORITY.—

4 (1) ESTABLISHMENT OF STANDARDS.—

5 (A) ENDORSEMENT CONTRACTS.—The
6 Commission shall establish standards with re-
7 spect to a college athlete's use of, and ability to
8 profit from, their name, image, likeness, and
9 athletic reputation.

10 (B) CERTIFICATION OF COLLEGE ATHLETE
11 AGENTS.—

12 (i) IN GENERAL.—The Commission
13 shall establish standards with respect to—

14 (I) registration and annual cer-
15 tification of—

16 (aa) college athlete agents;

17 (bb) agencies and entities
18 that represent college athletes;

19 (cc) attorneys who represent
20 college athletes in endorsement
21 contracts; and

22 (dd) individuals and entities
23 that provide financial advising
24 services to college athletes;

1 (II) revocation of such certifi-
 2 cation, including the power to assess
 3 fines and penalties for individuals and
 4 entities that do not comply with Com-
 5 mission standards; and

6 (III) agency fees charged by col-
 7 lege athlete agents.

8 (ii) RECOGNITION OF THE COMMIS-
 9 SION AS COLLEGE ATHLETE AGENT CER-
 10 TIFICATION BODY.—Section 3 of the
 11 Sports Agent Responsibility and Trust Act
 12 (15 U.S.C. 7802) is amended by adding at
 13 the end the following:

14 “(c) RECOGNITION OF THE COMMISSION ON COL-
 15 LEGE ATHLETICS AS CERTIFICATION BODY.—The Com-
 16 mission on College Athletics established by section 11 of
 17 the College Athletes Bill of Rights shall—

18 “(1) be recognized as the certification body for
 19 athlete agents; and

20 “(2) have the authority to establish standards
 21 and procedures with respect to the registration, an-
 22 nual certification, and conduct of athlete agents.”.

23 (iii) EDUCATIONAL REQUIREMENTS
 24 FOR COLLEGE ATHLETE AGENTS.—The
 25 Commission may not establish a standard

1 requiring college athlete agents to attain a
2 bachelor's degree, an associate's degree, or
3 a graduate degree from an institution of
4 higher education.

5 (C) HEALTH, WELLNESS, AND SAFETY.—

6 The Commission shall establish standards with
7 respect to the health, wellness, and safety of
8 college athletes consistent with the standards
9 established by the Secretary of Health and
10 Human Services under section 6(a)(1).

11 (D) PURPOSES OF COMMISSION GOV-

12 ERNING STANDARDS.—In establishing the
13 standards under this paragraph, the Commis-
14 sion shall ensure that such standards effectuate
15 the purposes of the Commission set forth in
16 subsection (a).

17 (2) DEVELOPMENT OF EDUCATIONAL MATE-
18 RIALS.—

19 (A) IN GENERAL.—The Commission shall
20 develop and disseminate educational materials
21 relating to endorsement contracts for college
22 athletes, institutions of higher education, inter-
23 collegiate athletic associations, and conferences.

24 (B) DISSEMINATION OF INFORMATION.—

25 The member of the Board described in sub-

1 section (c)(1)(D)(ii)(IV) shall be responsible for
2 disseminating such educational materials.

3 (3) REPORTING MECHANISM.—

4 (A) IN GENERAL.—The Commission shall
5 establish and maintain a dedicated telephone
6 hotline and an online portal by which college
7 athletes may report—

- 8 (i) instances of improper conduct; and
9 (ii) noncompliance with the standards
10 established under section 6(a)(1).

11 (B) PROCEDURE.—Not later than 30 days
12 after receiving a report from a college athlete
13 regarding an instance of improper conduct or
14 noncompliance with such guidelines, the Com-
15 mission shall—

- 16 (i) determine whether an investigation
17 is warranted; and
18 (ii) provide to the college athlete noti-
19 fication of the determination made under
20 clause (i), together with a justification for
21 such determination.

22 (C) PROTECTION FROM RETALIATION.—A
23 college athlete who makes a report under this
24 paragraph shall be protected from threats and
25 retaliation.

1 (4) RESOLUTION OF DISPUTES.—

2 (A) IN GENERAL.—The Commission shall
3 provide a forum for the swift and equitable res-
4 olution of conflicts relating to endorsement con-
5 tracts through a dispute resolution process for
6 college athletes, institutions of higher education,
7 intercollegiate athletic associations, and con-
8 ferences.

9 (B) PROCEDURE.—

10 (i) IN GENERAL.—With respect to a
11 dispute resolution process referred to in
12 subparagraph (A), the Commission shall—

13 (I) provide to applicable individ-
14 uals or entities notice and an oppor-
15 tunity for a hearing; and

16 (II) select an arbitrator, who
17 shall make a decision on resolution of
18 the dispute.

19 (ii) APPEAL.—A party to such a dis-
20 pute resolution process may appeal the de-
21 cision of the arbitrator to the Commission,
22 which may—

23 (I) review the decision; and

24 (II) issue a final decision.

25 (5) ASSESSMENT OF FEES.—

1 (A) ANNUAL AGENT CERTIFICATION
2 FEES.—The Commission may assess an annual
3 certification fee for each college athlete agent
4 certified in accordance with the standards es-
5 tablished under paragraph (1)(B).

6 (B) CERTAIN INTERCOLLEGIATE ATHLETIC
7 ASSOCIATIONS AND CONFERENCES.—

8 (i) IN GENERAL.—Beginning in 2023,
9 not later than August 1 each year, athletic
10 associations and conferences that generate
11 over \$200,000,000 in annual revenue shall
12 pay a fee to the Commission in an amount
13 determined by the Commission that, sub-
14 ject to paragraph (2), in the aggregate to-
15 tals not more than \$50,000,000.

16 (ii) ADJUSTMENTS.—The aggregate
17 amount described in subparagraph (A)
18 shall be increased annually for inflation, at
19 a rate reported by the Bureau of Labor
20 Statistics for the preceding year.

21 (iii) REMITTANCE OF FEES.—Inter-
22 collegiate athletic associations and con-
23 ferences shall remit such fees to the Com-
24 mission.

1 (C) COLLECTION.—The Commission may
2 collect fees under paragraphs (A) and (B) in
3 accordance with such rules as the Commission
4 may establish.

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

7 (A) MONITORING.—The Commission shall
8 monitor and provide publicly available informa-
9 tion about the compliance with Title IX of ath-
10 letic programs within an institution of higher
11 education that is subject to Title IX.

12 (B) INVESTIGATIONS.—The Commission
13 may investigate any action by any such athletic
14 program that would constitute a violation of
15 Title IX.

16 (C) REPORTING.—If, in the course of such
17 an investigation, the Commission becomes
18 aware of a potential violation of Title IX, the
19 Commission shall submit to the Office for Civil
20 Rights of the Department of Education all
21 proper information in the possession of the
22 Commission relating to the potential violation.

23 (7) ADMINISTRATION OF MEDICAL TRUST
24 FUND.—

1 (A) IN GENERAL.—The Commission shall
2 administer the Fund as described in section
3 5(a).

4 (B) ANNUAL ASSESSMENTS.—Not less fre-
5 quently than annually, the Commission shall de-
6 termine—

7 (i) the necessary funding levels to be
8 maintained in the Fund to adequately ful-
9 fill the financial obligations of the Fund;
10 and

11 (ii) the amount each institution of
12 higher education with an athletic depart-
13 ment shall be required to contribute for
14 the applicable academic year, in accord-
15 ance with section 5(a)(2).

16 (C) MAINTENANCE OF FUNDS.—On an on-
17 going basis, the Commission shall maintain in
18 the Fund the level of funding determined nec-
19 essary under subparagraph (B)(i).

20 (D) COLLECTION.—Not less frequently
21 than annually, the Commission shall collect
22 from institutions of higher education with ath-
23 letic departments the amount determined under
24 subparagraph (B)(ii).

1 (8) ADDITIONAL DUTIES AND AUTHORITIES.—

2 The Commission—

3 (A) shall—

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

6 (ii) issue reports as described in sub-
7 section (j);

8 (iii) conduct audits of athletic pro-
9 grams to ensure compliance with this Act
10 and standards established under paragraph
11 (1);

12 (iv) carry out investigations relating
13 to violations of this Act or any such stand-
14 ard;

15 (v) establish penalties for violations of
16 this Act, including civil penalty amounts,
17 and update such penalties on an annual
18 basis to adjust for inflation;

19 (vi) establish rules to conduct reviews
20 of contracts under section 3(a)(2), taking
21 into considering payment arrangements
22 that provide royalties to college athletes
23 whose names, images, likenesses, or ath-
24 letic reputations are used in such activities;
25 and

- 1 (vii) carry out enforcement actions as
2 described in section 12(a); and
3 (B) may—
4 (i) establish and maintain offices to
5 conduct the affairs of the Commission;
6 (ii) hire staff to carry out the duties
7 described in this section;
8 (iii) enter into contracts;
9 (iv) acquire, own, lease, encumber,
10 and transfer property as necessary to carry
11 out such duties;
12 (v) borrow money, issue instruments
13 of indebtedness, and secure its obligations
14 by granting security interests in its prop-
15 erty;
16 (vi) publish a magazine, newsletter,
17 and other publications consistent with such
18 duties;
19 (vii) subpoena an individual the testi-
20 mony of whom may be relevant to such du-
21 ties; and
22 (viii) carry out any other activity, in-
23 cluding the issuance of rules, regulations,
24 and orders, as the Commission considers
25 necessary and proper to carry out such du-

1 ties or the purposes set forth in subsection
2 (a).

3 (e) ADVISORY COUNCILS.—

4 (1) ATHLETE ADVISORY COUNCIL.—

5 (A) ESTABLISHMENT.—There is estab-
6 lished within the Commission an Athlete Advi-
7 sory Council to provide advice and information
8 to the Commission.

9 (B) MEMBERSHIP.—The members of the
10 Athlete Advisory Council shall be selected by
11 the Board as follows:

12 (i) 50 percent shall be enrolled college
13 athletes participating in an intercollegiate
14 sport.

15 (ii) 50 percent shall be former college
16 athletes who have graduated from institu-
17 tions of higher education.

18 (2) OTHER ADVISORY COUNCILS.—There are
19 established within the Commission, for the purpose
20 of providing advice and expertise to the Commission
21 and with inclusion of current college athletes, former
22 college athletes, and athletic administrators—

23 (A) a Health, Wellness, and Safety Advi-
24 sory Council;

1 (B) an Educational Opportunity Advisory
2 Council;

3 (C) a Labor and Compensation Advisory
4 Council; and

5 (D) a Gender Equity Advisory Council.

6 (3) TERM.—The term of a member of an advi-
7 sory council established under this subsection shall
8 be 2 years.

9 (4) REPORT.—Not later than 1 year after the
10 date of the enactment of this Act, the Labor and
11 Compensation Advisory Council shall issue a public
12 report that describes potential pathways for college
13 athletes to collectively bargain and form a union.

14 (f) OMBUDSMAN FOR COLLEGE ATHLETES.—

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

19 (2) DUTIES.—The Ombudsman shall—

20 (A) provide independent advice to college
21 athletes at no cost with respect to—

22 (i) the provisions of this Act;

23 (ii) the constitution and bylaws of the
24 Commission; and

1 (iii) the resolution of any dispute re-
2 lating to the opportunity of a college ath-
3 lete to enter into an endorsement contract;

4 (B) assist college athletes in the resolution
5 of any such dispute; and

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

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

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

12 (i) The Athlete Advisory Council shall
13 provide the chair of the Board with the
14 name of 1 qualified individual to serve as
15 Ombudsman.

16 (ii) The chair of the Board shall im-
17 mediately transmit the name of such indi-
18 vidual to the Board.

19 (iii) The Board shall hire or not hire
20 such individual after fully considering the
21 advice and counsel of the Athlete Advisory
22 Council.

23 (B) VACANCY.—If there is a vacancy in
24 the position of Ombudsman, the nomination

1 and hiring procedure set forth in this para-
 2 graph shall be followed in a timely manner.

3 (C) TERMINATION.—The Commission may
 4 terminate the employment of an individual serv-
 5 ing as Ombudsman only if—

6 (i) the termination is carried out in
 7 accordance with the applicable policies and
 8 procedures of the Commission;

9 (ii) the termination is initially rec-
 10 ommended to the Board by—

11 (I) a majority of the Board; or

12 (II) a majority of the Athlete Ad-
 13 visory Council; and

14 (iii) the Board fully considers the ad-
 15 vice and counsel of the Athlete Advisory
 16 Council before deciding whether to termi-
 17 nate the employment of such individual.

18 (g) RESTRICTIONS.—

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

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

24 (h) HEADQUARTERS, PRINCIPAL OFFICE, AND
 25 MEETINGS.—The Commission shall maintain its principal

1 office and national headquarters in a location in the
2 United States decided by the Commission. The Commis-
3 sion may hold its annual and special meetings in the
4 places decided by the Commission.

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

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

16 (1) the number of disputes resolved by the
17 Commission in the preceding year under subsection
18 (d)(4), and if applicable, a description of such dis-
19 pute resolutions;

20 (2) the number of such disputes filed in the
21 preceding year;

22 (3) with respect to a violation of this Act or a
23 standard or rule established under this Act, a sum-
24 mary of the violation and a description of the en-
25 forcement action taken by the Commission; and

1 (4) recommendations for legislative or adminis-
2 trative action, as the Commission considers appro-
3 priate.

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

9 (l) **FUNDING.**—Any fee assessed or fine imposed
10 under this Act shall be allocated toward funding the Com-
11 mission and its activities.

12 (m) **AUTHORIZATION OF APPROPRIATIONS.**—There is
13 authorized to be appropriated to carry out this section
14 \$50,000,000 for each of fiscal years 2023 and 2024.

15 (n) **EFFECTIVE DATE.**—This section shall take effect
16 on the date that is 90 days after the date of the enactment
17 of this Act.

18 **SEC. 12. ENFORCEMENT.**

19 (a) **ENFORCEMENT BY COMMISSION.**—

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

24 (A) levying fines;

1 (B) imposing penalties, including suspen-
2 sion or a permanent ban of an individual or en-
3 tity from participation in intercollegiate ath-
4 letics competition for a period determined by
5 the Commission; and

6 (C) commencing civil actions and seeking
7 all appropriate legal, equitable, or other relief,
8 including damages and injunctions.

9 (2) NOTICE.—With respect to an enforcement
10 action carried out under this subsection, the Com-
11 mission shall provide to the individual or entity con-
12 cerned notice of the enforcement action and an op-
13 portunity for a hearing.

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

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

22 (A) in enforcing any provision of this Act,
23 the standards and rules established under this
24 Act, or any other law or regulation; and

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

3 (5) COMPROMISE OF ACTIONS.—The Commis-
4 sion may compromise or settle any civil action if
5 such compromise or settlement is approved by the
6 court.

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

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

19 (b) INSTITUTIONS OF HIGHER EDUCATION.—Section
20 487(a) of the Higher Education Act of 1965 (20 U.S.C.
21 1094(a)) is amended by adding at the end the following:

22 “(30)(A) The institution will—

23 “(i) comply, and ensure that all business
24 partners of the institution comply, with the re-

1 requirements of sections 3, 4, 7, 8, 9, and 10(a)
2 of the College Athletes Bill of Rights; and

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

6 (c) PRIVATE RIGHT OF ACTION.—A college athlete
7 aggrieved by a violation of this Act, or a standard or rule
8 established under this Act, may bring a civil action for
9 all appropriate remedies in a Federal district court of com-
10 petent jurisdiction.

11 (d) ACTIONS BY STATE.—

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

23 (A) to enforce compliance with this Act or
24 such standard or rule; and

25 (B) for all appropriate remedies.

1 (2) NOTICE.—

2 (A) IN GENERAL.—Before filing an action
3 under this subsection or commencing any other
4 administrative or regulatory proceeding to en-
5 force this Act, or a standard or rule established
6 under this Act, the attorney general, official, or
7 agency of the State involved shall provide to the
8 Commission—

9 (i) a written notice of such action or
10 proceeding; and

11 (ii) a copy of the complaint for such
12 action or proceeding.

13 (B) CONTENTS OF NOTICE.—The written
14 notice required by subparagraph (A) shall in-
15 clude—

16 (i) the identity of the parties;

17 (ii) a description of the alleged facts
18 underlying the action or proceeding; and

19 (iii) an assessment as to whether
20 there is a need to coordinate the prosecu-
21 tion of the action or proceeding so as not
22 to interfere with any action or proceeding
23 undertaken by the Commission or a Fed-
24 eral agency.

1 (C) COMMISSION RESPONSE.—On receiving
2 notice under this paragraph of an action or pro-
3 ceeding under this subsection, the Commission
4 shall have the right—

5 (i) to intervene in the action or pro-
6 ceeding;

7 (ii) upon so intervening—

8 (I) to remove the action or pro-
9 ceeding to the appropriate United
10 States district court, if the action or
11 proceeding was not originally brought
12 there; and

13 (II) to be heard on all matters
14 arising in the action or proceeding;
15 and

16 (iii) to appeal any order or judgment,
17 to the same extent as any other party in
18 the proceeding.

19 (3) REGULATIONS.—The Commission shall pre-
20 scribe regulations to implement this subsection and,
21 from time to time, provide guidance to further co-
22 ordinate actions with State attorneys general and
23 other regulators.

24 (4) RULE OF CONSTRUCTION.—Nothing in this
25 subsection may be construed as altering, limiting, or

1 affecting the authority of a State attorney general or
2 any other regulatory or enforcement agency or au-
3 thority to bring an action or other regulatory pro-
4 ceeding arising solely under the law in effect in that
5 State.

6 (e) **APPLICABILITY OF SPORTS AGENT RESPONSIBI-**
7 **BILITY AND TRUST ACT TO COLLEGE ATHLETE**
8 **AGENTS.**—Sections 3 through 5 of the Sports Agent Re-
9 sponsibility and Trust Act (15 U.S.C. 7802–7804) shall
10 apply with respect to college athlete agents.

11 (f) **SOVEREIGN IMMUNITY.**—The use or receipt by a
12 State of Federal financial assistance for a work-study pro-
13 gram under section 3485 of title 38, United States Code,
14 shall constitute a waiver of sovereign immunity, under the
15 11th Amendment to the Constitution of the United States
16 or any other law, to any suit brought by any college athlete
17 aggrieved by a violation of this Act or by any enforcement
18 action brought by the Commission, for legal, equitable, or
19 other relief (including damages and injunctions) under
20 this Act.

21 **SEC. 13. PREEMPTION.**

22 No State or political subdivision of a State may es-
23 tablish or continue in effect any law or regulation that
24 governs, regulates, or abrogates—

1 (1) the right of college athletes to be com-
2 pensated by a third party for use of their name,
3 image, likeness, or athletic reputation;

4 (2) the freedom and right of college athletes to
5 secure representation by college athlete agents or
6 group licensing entities;

7 (3) the regulation and certification of college
8 athlete agents and group licensing entities; and

9 (4) intercollegiate athletics eligibility with re-
10 spect to—

11 (A) transfers to another institution of
12 higher education; and

13 (B) professional sports drafts.

14 **SEC. 14. 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 attorneys or
18 sports agents or other athlete representatives who
19 are not college athlete agents; or

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

1 SEC. 15. SEVERABILITY.

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

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