

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.

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## 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

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## 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. 1087ll); 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.

○