To provide standards relating to compensation for the use of the name, image, and likeness rights of college athletes and to provide protections for college athletes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide standards relating to compensation for the use of the name, image, and likeness rights of college athletes and to provide protections for college athletes, 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 Pro-
5 tection and Compensation Act of 2023”.

6 SEC. 2. DEFINITIONS.

7 In this Act:
(1) AGENCY CONTRACT.—The term “agency contract” means a written agreement in which a college athlete authorizes an athlete representative to act on behalf of the college athlete.

(2) ATHLETE REPRESENTATIVE.—

(A) IN GENERAL.—The term “athlete representative” means an individual who—

(i) enters into an agency contract with a college athlete; or

(ii) directly or indirectly recruits or solicits a college athlete for the purpose of—

(I) entering into an agency contract with the college athlete;

(II) representing or attempting to represent the college athlete for the purpose of marketing his or her athletics ability or reputation for financial gain; or

(III) seeking to obtain any type of agreement for financial gain or benefit from the potential earnings of the college athlete as a professional athlete.
(B) INCLUSIONS.—The term “athlete representative” includes—

(i) a certified contract advisor;
(ii) a financial advisor;
(iii) a marketing representative;
(iv) a brand manager; and
(v) any individual employed by an individual described in any of clauses (i) through (iv).

(C) EXCLUSIONS.—The term “athlete representative” does not include—

(i) the spouse, a parent, a sibling, a grandparent, or a legal guardian of a college athlete; or
(ii) an individual acting solely on behalf of a professional sports team or a professional sports organization.

(3) CAC.—The term “CAC” means the College Athletics Corporation established by section 8(a).

(4) COLLEGE ATHLETE.—The term “college athlete” means an athlete who is recruited to attend, or is enrolled in, a 4-year degree-granting institution of higher education to participate in its designated intercollegiate athletics program.
(5) College athletic competition.—The term "college athletic competition" means any varsity game, meet, or other competition between or among athletic teams sponsored by institutions of higher education.

(6) College athletic event.—

(A) In general.—The term "college athletic event" means a game, meet, competition, banquet, practice, conditioning session, media session, or any other event that has been organized or authorized by an intercollegiate athletics department of an institution of higher education or by a national intercollegiate athletics association, regardless of whether such event occurs on or off the campus of an institution of higher education or during or outside the season for competition.

(B) Inclusion.—The term "college athletic event" includes travel to and from any event described in subparagraph (A).

(7) Conference.—The term "conference" means any organization or association that—

(A) has as members 2 or more institutions of higher education; and
(B) arranges championships and sets rules
for college athletic competition.

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

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

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

(9) COVERED COMPENSATION.—

(A) IN GENERAL.—The term “covered
compensation” means any remuneration pro-
vided by a third party to a college athlete, in
cash or in kind and regardless of the date on
which the remuneration is provided.

(B) EXCLUSION.—The term “covered com-
pensation” does not include the payment or
provision of any of the following—

(i) grants-in-aid;

(ii) Federal Pell Grants and other
State or Federal grants unrelated to and
not awarded with regard to participation in
college athletic events;
(iii) health insurance and costs of health care, including health insurance and health care costs wholly or partly self-funded by an institution of higher education or a national intercollegiate athletic association;

(iv) disability and loss-of-value insurance, including disability and loss-of-value insurance that is wholly or partly self-funded by an institution of higher education or a national intercollegiate athletic association;

(v) career counseling, job placement services, and other guidance available to all students at an institution of higher education; and

(vi) payment of hourly wages and benefits for work actually performed (and not for participation in college athletic events) at a rate commensurate with the going rate in the locality of an institution of higher education for similar work.

(10) ENDORSEMENT CONTRACT.—The term “endorsement contract” has the meaning given the
term in section 2 of the Sports Agent Responsibility

(11) **FORMER COLLEGE ATHLETE.**—The term
“former college athlete” means a college athlete who
is no longer eligible to participate in college athletic
competition.

(12) **FUND.**—The term “Fund” means the
medical trust fund established under section 4(j)(4).

(13) **GRANT-IN-AID.**—The term “grant-in-

(A) means a scholarship, grant, stipend, or
other form of financial assistance, including the
provision of tuition, room, board, books, or
funds for fees or personal expenses, that—

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

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

(B) does not include covered compensation
paid to an individual who is a college athlete or
a former college athlete.
(14) **Image.**—The term “image”, with respect to a college athlete, means a photograph, video, or computer-generated representation that identifies, is linked to, or is reasonably linkable to the athlete.

(15) **Institution of Higher Education.**—

The term “institution of higher education”—

(A) has the meaning given the term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes controlled affiliates that operate athletics departments on behalf of institutions of higher education.

(16) **Likeness.**—The term “likeness” means—

(A) with respect to a college athlete of a sport for which the athlete has a jersey number, the jersey number associated with the athlete and the sport in which the athlete participates at a particular institution of higher education during the period of the participation of the athlete in the sport at the institution of higher education, if the jersey number is accompanied by—

(i) a logo or color scheme that is clearly associated with the institution of higher education; or
(ii) some other means by which the jersey number is clearly associated with the particular athlete; and

(B) with respect to any college athlete—

(i) the uniquely identifiable voice or catch phrase of the athlete; or

(ii) any other trademark that identifies or distinguishes the athlete.

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

(A) a combination of a first and last or family name that identifies the athlete;

(B) a last or family name that identifies the athlete; or

(C) a unique nickname that identifies the athlete.

(18) NATIONAL INTERCOLLEGIATE ATHLETIC ASSOCIATION.—

(A) IN GENERAL.—The term “national intercollegiate athletic association” means a corporation, an association, or any other group organized in the United States that—

(i) sponsors or arranges college athletic competitions between institutions of higher education; and
(ii) sets common rules, standards, procedures, or guidelines for the administration of college athletic competitions at institutions of higher education.

(B) INCLUSIONS.—The term “national intercollegiate athletic association” includes—

(i) the National Collegiate Athletic Association;

(ii) each division and member conference of the National Collegiate Athletic Association;

(iii) any other national intercollegiate athletic association and each division and member conference of such association; and

(iv) a group comprised of 1 or more entities described in clauses (i), (ii), or (iii).

(19) THIRD PARTY.—The term “third party” means an individual or entity that—

(A) is not an institution of higher education, a conference, or a national intercollegiate athletic association; and

(B) is unaffiliated with—
(i) an athletics department of an institution of higher education;

(ii) a conference; or

(iii) a national intercollegiate athletic association.

(20) UNAFFILIATED.—With respect to 2 or more individuals or entities, the term “unaffiliated” means that the individuals or entities do not share interrelated operations, common management, centralized control of labor relations, or common ownership or financial control.

SEC. 3. NAME, IMAGE, AND LIKENESS.

(a) In General.—Except as provided in subsection (b), an institution of higher education, conference, or national intercollegiate athletic association, may not punish or prohibit the participation of a college athlete in a college athletic event or college athletic competition based on the college athlete having entered into an endorsement contract with a third party.

(b) Exceptions.—

(1) Certain industries and contracts.—An institution of higher education may prohibit a college athlete from entering into an endorsement contract with a third party if—
(A) the third party represents an industry—

(i) with respect to which the institution of higher education imposes restrictions, in the code of student conduct of the institution of higher education, for moral reasons; and

(ii) with which the institution of higher education does not partner; or

(B) the endorsement contract violates a rule established by the CAC in accordance with section 8(b)(2).

(2) PROHIBITION ON INDEUCEMENTS.—

(A) IN GENERAL.—Covered compensation shall not be promised, paid, or permitted to be used to induce—

(i) the recruitment of a college athlete to any institution of higher education or group of institutions of higher education; or

(ii) a college athlete to continue attending a particular institution of higher education.

(B) AMOUNT OF COVERED COMPENSATION.—An institution of higher education, con-
ference, or national intercollegiate athletic association shall have no part in determining the amount of covered compensation provided by a third party in an endorsement contract with a college athlete.

SEC. 4. PROTECTIONS FOR COLLEGE ATHLETES.

(a) Representation Contracts.—

(1) In general.—An institution of higher education, conference, or national intercollegiate athletic association may not punish or prohibit the participation of a college athlete in a college athletic event or college athletic competition based on the college athlete having—

(A) secured legal representation; or

(B) entered into an agency contract with an athlete representative who has been certified by the CAC in accordance with section 8(b)(4).

(2) Preventing conflicts of interest.—

(A) In general.—An institution of higher education, conference, or national intercollegiate athletic association may not—

(i) represent college athletes in endorsement contracts;
(ii) regulate the representation of college athletes with respect to endorsement contracts;

(iii) engage in the certification of individuals for such representation; or

(iv) attempt to influence the choice of representation of a college athlete.

(B) Rule of Construction.—Nothing in this paragraph may be construed to prohibit college athletes from receiving, or limit the ability of college athletes to receive, from an institution of higher education advice or services with respect to legal matters unrelated to intercollegiate athletics that are available to all students.

(b) Endorsement Contracts.—

(1) Notification of rules.—An institution of higher education shall provide to each college athlete enrolled at the institution of higher education, in a timely manner before the start of the regular session or participation of the college athlete in a college athletics program, a list of rules that govern endorsement contracts.

(2) Institution of higher education agreements with third parties.—An institution
of higher education, conference, or national intercollegiate athletic association may allow a third party to use the intellectual property rights of the institution of higher education, conference, or national intercollegiate athletic association as part of an endorsement contract of a college athlete, if—

(A) the third party directly provides covered compensation to the college athlete concerned, or their athlete representative, pursuant to the endorsement contract; and

(B) the institution of higher education, conference, or national intercollegiate athletic association has no part in determining the amount of covered compensation provided by the third party to the college athlete concerned.

(3) LIMITATIONS ON CONCURRENT ACTIVITIES.—

(A) MANDATORY EVENTS.—

(i) IN GENERAL.—An institution of higher education may prohibit a college athlete from engaging in in-person activities in connection with an endorsement contract that are concurrent with a mandatory college athletic event or college athletic competition.
(ii) Activities before and after events.—The CAC may, in accordance with section 8(b)(2), by rule, set a time period before and after a mandatory college athletic event or college athletic competition during which an institution of higher education may prohibit such in-person activities.

(B) Nonapplicability to pre-recorded activities.—Subparagraph (A) shall not apply to scheduled social media posts, pre-recorded commercials, and other commercial or business activities that do not take place in person.

(4) Disclosure of endorsement contracts.—

(A) Requirements for college athletes.—

(i) Enrolled athletes.—With respect to a college athlete enrolled in an institution of higher education who enters into an endorsement contract, the college athlete shall, not later than 7 days after entering into the endorsement contract, provide to a designated employee of the in-
stitution of higher education a copy of the endorsement contract.

(ii) Recruited Athletes.—With respect to a college athlete who is or may be recruited to attend, but is not yet enrolled in, an institution of higher education and who enters into an endorsement contract, the college athlete shall, before signing a letter of intent, provide to designated employee of the institution of higher education a copy of all current and expired endorsement contracts entered into by the college athlete.

(iii) De minimis Contracts.—This subparagraph shall not apply to a college athlete described in clause (i) or (ii) who receives less than $1,000 annually, in the aggregate, from endorsement contracts.

(B) Privacy.—

(i) Nondisclosure of Endorsement Contract.—An individual designated by an institution of higher education to receive and review an endorsement contract, or the CAC, may not disclose the endorsement contract or any term
of the endorsement contract publicly or to any other individual without the express written consent of the college athlete concerned or the athlete representative of such college athlete before such disclosure, unless such college athlete or athlete representative makes such information public.

(ii) Nonapplicability of open-records laws.—Endorsement contracts and other financial information provided by a college athlete to an institution of higher education or the CAC shall not be subject to Federal or State open-records laws.

(c) Rescission of Agreements.—A college athlete who no longer participates in college athletic competitions may rescind an endorsement contract with a remaining term of more than 1 year—

(1) without being held liable for breach; and

(2) with no obligation to return earned payments that were received before giving notice of the rescission.

(d) Additional Benefits.—

(1) In general.—Except as provided in paragraph (2), an institution of higher education, con-
ference, or national intercollegiate athletic association may not punish a college athlete, or prohibit the participation of a college athlete in a college athletic event or college athletic competition, based on the college athlete having received—

(A) reasonable food, rent, medical expenses, or insurance from a third party;

(B) tuition, fees, or books, from a third party that are not otherwise paid for by an institution of higher education; or

(C) reasonable transportation for the college athlete or the friends or family members of the college athlete during any period in which the college athlete—

(i) is experiencing a physical or mental health concern; or

(ii) is participating in a college athletic event or college athletic competition.

(2) EXCEPTIONS.—An institution of higher education, conference, or national intercollegiate athletic association may prohibit the participation of a college athlete in a college athletic event or college athletic competition based on the college athlete having received additional benefits that violate a rule es-
established by the CAC in accordance with section 8(b)(2).

(c) **Professional Sports Drafts.**—

(1) **In General.**—An institution of higher education, conference, or national intercollegiate athletic association may not punish a college athlete, or prohibit the participation of a college athlete in a college athletic event or college athletic competition, based on the college athlete having entered into a professional sports draft, if the college athlete—

(A) in entering into the professional sports draft, does not receive compensation, directly or indirectly, from—

(i) a professional sports league;

(ii) a professional sports team;

(iii) a sports agent;

(iv) an athlete representative; or

(v) any individual or entity affiliated with an individual or entity described in any of clauses (i) through (iv); and

(B) not later than 7 days after the completion of the draft, declares their intent to resume participation in college athletic competition.

(f) **Grant-in-Aid Protection.**—
(1) IN GENERAL.—Subject to paragraph (2), an institution of higher education shall honor the grant-in-aid of a college athlete until the college athlete completes their undergraduate degree.

(2) FORMER COLLEGE ATHLETES.—An institution of higher education shall continue to provide grant-in-aid covering tuition, books, and fees to any former college athlete who—

(A) received grant-in-aid while enrolled at the institution of higher education; and

(B) has not completed their course of study for an undergraduate degree as a result of pursuing a career in professional sports.

(3) REVOCATION AND REINSTATEMENT.—

(A) REVOCATION.—An institution of higher education may revoke the grant-in-aid of a college athlete or former college athlete who—

(i) transfers to another institution of higher education; or

(ii) does not—

(I) remain in good standing, determined in accordance with—

(aa) the rules established by the CAC under section 8(b)(2); or
(bb) in the case of a college athlete who is enrolled in an institution of higher education the standards of which are more stringent than the standards described in item (aa), the standards of the institution of higher education;

(II) comply with the code of conduct as applied to all students of the institution of higher education;

(III) meet established athletics program standards and norms for participating in mandatory team athletic activities; and

(IV) meet scholastic standards for athletic eligibility.

(B) NOTICE.—An institution of higher education shall provide a college athlete with timely written notice with respect to any possible reduction in or loss of a grant-in-aid amount or athletic eligibility, in accordance with rules established by the CAC under section 8(b)(2).
(C) LIMITATIONS.—An institution of higher education may not revoke the grant-in-aid of a college athlete—

(i) on the basis of—

(I) the college athlete’s athletics ability, performance, or contribution to team success; or

(II) the college athlete having earned covered compensation under an endorsement contract; or

(ii) as a result of an injury or illness or based on a physical or mental medical condition of the college athlete.

(D) REINSTALLMENT.—In the case of a revocation under subparagraph (A), an institution of higher education may reinstall grant-in-aid if the college athlete concerned reestablishes good standing.

(g) PROHIBITIONS RELATING TO COURSEWORK AND EXTRACURRICULAR ACTIVITIES.—An individual working or volunteering for an athletic department of an institution of higher education may not—

(1) attempt to discourage a college athlete from selecting a course or an academic major of the college athlete’s choice;
(2) retaliate against a college athlete based on the college athlete’s selection of any course or academic major; or

(3) interfere with, or discourage, any college athlete who seeks to secure employment or internships, participate in student groups or events, or serve as a volunteer, unless such activities interfere with mandatory class time or mandatory college athletic events.

(h) NONDISCRIMINATORY ACCESS TO FACILITIES.—A national intercollegiate athletic association shall not discriminate on the basis of sex with regard to the provision of medical care, rest, hotel stays, food, athletic facilities, transportation, and sporting event promotions.

(i) LIMITATION ON TRANSFER PENALTIES.—A national intercollegiate athletic association shall allow a college athlete in any sport to transfer from one institution of higher education to another—

(1) not less than once without losing or delaying eligibility for intercollegiate athletics if—

(A) not less than 7 days before transferring, the college athlete provides to their athletic director notice of intent to transfer; and

(B) the transfer does not occur during—
(i) the season of the sport of the college athlete; or

(ii) the 60-day period before the commencement of such season; or

(2) if the college athlete is subject to an abusive or negligent environment within the institution of higher education from which the college athlete intends to transfer.

(j) **MEDICAL EXPENSES.**—Except as provided in paragraph (3), the responsibilities of institutions of higher education with respect to the health care coverage and medical expenses of college athletes are as follows:

(1) **OUT-OF-POCKET EXPENSES.**—

(A) **INSTITUTIONS OF HIGHER EDUCATION REPORTING $20,000,000 OR MORE IN REVENUE.**—An institution of higher education that reports not less than $20,000,000 in total annual athletics revenue to the Department of Education during the academic year immediately preceding the date of the last college athletic competition of a college athlete shall, during the 2-year period beginning on the day after such last college athletic competition, be financially responsible for all out-of-pocket medical expenses of the college athlete’s health care
coverage for any injury incurred or communicable disease acquired while the college athlete was participating in a college athletic event or a college athletic competition.

(B) INSTITUTIONS OF HIGHER EDUCATION REPORTING $50,000,000 OR MORE IN REVENUE.—An institution of higher education that reports not less than $50,000,000 in total annual athletics revenue to the Department of Education during the academic year immediately preceding the date of the last college athletic competition of a college athlete shall be financially responsible for—

(i) providing or procuring the college athlete’s athletic-related health care coverage; and

(ii) for the 4-year period beginning on the date of the college athlete’s last college athletic competition, all out-of-pocket medical expenses for medical care for an injury incurred or communicable disease acquired while participating in a college athletic event or college athletic competition.

(2) SECOND OPINIONS.—During the enrollment of a college athlete in an institution of higher edu-
cation and continuing through the 2-year period described in subparagraph (A) of paragraph (1) or the 4-year period described in subparagraph (B) of that paragraph, as applicable, an institution of higher education shall be financially responsible for the expense of obtaining, for college athletes and former college athletes, medical second opinions independent from the institution of higher education.

(3) EXCEPTION.—The responsibilities under paragraphs (1) and (2) shall not apply to an institution of higher education in the case of a college athlete who transfers out of the institution of higher education to continue participation in college athletics elsewhere.

(4) MEDICAL TRUST FUND.—

(A) ESTABLISHMENT.—The CAC shall establish a medical trust fund to help cover the cost of—

(i) during participation, and for the 4-year period beginning on the date on which an individual ceases to be a college athlete, the out-of-pocket expenses not covered by an institution of higher education for an injury incurred or communicable disease acquired while participating in a college
athletic event or college athletic competition; and

(ii) medical expenses for college athletes diagnosed with significant long-term conditions related to their participation in college athletics, including chronic traumatic encephalopathy and any other cognitive impairment.

(B) CONTRIBUTIONS.—

(i) IN GENERAL.—Not later than July 31 each year, institutions of higher education, conferences, and national intercollegiate athletic associations that generate not less than $50,000,000 in annual revenue shall make contributions to the Fund, in an amount determined by the CAC, to help cover the costs of medical treatments described in subparagraph (A) for the applicable academic year.

(ii) CONSIDERATION.—In determining the amount to be contributed by an institution of higher education, conference, or national intercollegiate athletic association, the CAC shall take into account the revenue of the institution of higher education,
conference, or national intercollegiate athletic association.

(C) CONTRACTS WITH PROVIDERS.—The CAC shall contract with health care providers to provide care using amounts from the Fund.

(k) ADDITIONAL PROTECTIONS.—An institution of higher education, conference, or national intercollegiate athletic association may not—

(1) impose on college athletes restrictions on speech that are more stringent than restrictions on speech imposed on other students enrolled in the institution of higher education; or

(2) coordinate or cooperate with any other institution of higher education, conference, national intercollegiate athletic association, or third party to limit endorsement contract opportunities or determine the amount of payment offered to a college athlete under an endorsement contract.

SEC. 5. HEALTH, WELLNESS, AND SAFETY STANDARDS.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”), in consultation with the CAC, shall establish health, wellness, and safety
standards to protect college athletes from serious injury and conditions, mistreatment and abuse, and death.

(2) Consultation and Considerations.—In developing the standards under paragraph (1), the Secretary shall—

(A) consult with—

(i) the Sports Science Institute of the National Collegiate Athletic Association;

(ii) the National Association of Intercollegiate Athletics;

(iii) the National Junior College Athletics Association; and

(iv) the athlete health and safety advocacy communities; and

(B) consider existing standards of relevant nonprofit entities, such as the National Collegiate Athletic Association, conferences, professional sports leagues, and the National Athletic Trainers Association.

(3) Content.—The standards established under paragraph (1) shall—

(A) be reviewed annually;

(B) incorporate up-to-date best practices; and
(C) address—

(i) cardiac health;

(ii) concussion and traumatic brain injuries;

(iii) illegal performance enhancers and substance abuse;

(iv) mental health;

(v) nutrition, sleep, and performance;

(vi) overuse injuries, periodization, and heat-related illnesses;

(vii) sexual assault, sexual harassment, and interpersonal violence;

(viii) athletics health services administration;

(ix) weight and pain management;

(x) Rhabdomyolysis;

(xi) sickle cell trait;

(xii) asthma;

(xiii) best practices to prevent serious harm in sports medicine, physical therapy, athletic training, and athletic strength and conditioning; and

(xiv) any other topic the Secretary considers appropriate.
(b) Trainers, Physical Therapists, and Medical Personnel.—

(1) In general.—Athletic trainers, physical therapists, and physicians shall have the autonomous, unchallengeable authority to determine medical management and return-to-play decisions for college athletes under their care, and a coach and other nonmedical personnel of an institution of higher education may not attempt to influence or disregard such decisions.

(2) Independence.—The employment and supervision of an athletic trainer, physical therapist, or physician at an institution of higher education shall be independent from the athletic department of the institution of higher education.

(e) Compliance.—The CAC may conduct audits, site visits, and investigations of athletic departments to verify compliance with the standards established under subsection (a)(1).

(d) Penalties.—

(1) Individuals.—An individual may be subject to a lifetime ban on involvement with intercollegiate athletics if the individual is found to have—

(A) caused serious harm—
(i) due to noncompliance with a standard established under subsection (a)(1); or

(ii) by failing adequately to address such noncompliance;

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

(C) knowingly provided false information;

or

(D) attempted to obstruct an investigation by the CAC related to a possible violation of such a standard.

(2) INSTITUTIONS OF HIGHER EDUCATION.—An institution of higher education found to be in non-compliance with a standard established under subsection (a)(1) shall be responsible for medical and academic expenses related to the resulting harm to a college athlete and any other punishment or remedy, as determined by the CAC.

SEC. 6. TRANSPARENCY.

(a) DISCLOSURES.—

(1) IN GENERAL.—An institution of higher education shall make the following legally binding disclosures to each college athlete before the college
athlete commits to enroll in or attend the institution of higher education:

(A) The amount and duration of grant-in-aid the institution of higher education will provide to the college athlete, relative to the most recent cost of attendance, for each academic school year and each summer session.

(B) The amount and duration of grant-in-aid the institution of higher education will provide to assist the college athlete with undergraduate degree completion and graduate degree completion following the expiration of the intercollegiate athletics eligibility of the college athlete.

(C) The percentage of comprehensive medical coverage required, including any required coverage to participate in intercollegiate athletics or to enroll as a student, that will be paid by the institution of higher education during the period of college athletics eligibility of the college athlete.

(D) The percentage of any out-of-pocket sports-related medical expenses including deductibles, copays, and coinsurance, that the institution of higher education will pay during
the period of college athletics eligibility of the
college athlete, and the period for which such
expenses will be covered after such eligibility ex-
pires. Differences between in-network and out-
of-network expenses shall be stated.

(E) Whether or not the institution of high-
er education will pay for a disability insurance
policy to cover the maximum available future
loss of earnings benefit based on market rates
of similarly situated college athletes.

(2) RULE OF CONSTRUCTION.—Nothing in this
subsection shall be construed to require an institu-
tion of higher education to provide a benefit de-
scribed in any of subparagraphs (A) through (E) of
paragraph (1) unless otherwise required by this Act.

(b) ANNUAL REPORTING BY INSTITUTIONS OF HIGH-
ER EDUCATION.—

(1) IN GENERAL.—Not later than 60 days after
the date on which an academic year ends, each insti-
tution of higher education with 1 or more athletic
programs shall post publicly on the internet website
of the institution of higher education, and submit to
the CAC, a report that includes, for the academic
year, the following:
(A) The revenues and expenditures of each athletics program, including third-party donations, Federal funds, State funds, and compensation for athletic program personnel, individually and in aggregate, by athletic program.

(B) The average number of hours college athletes spent on college athletic events and college athletic competition, disaggregated by athletic program.

(C) The academic outcomes and majors for college athletes, disaggregated by athletic program, race and ethnicity, and gender.

(D) The number, average, and total value of endorsement contracts, disaggregated by athletic program, race and ethnicity, and gender.

(2) CAC DATABASE.—The CAC shall maintain a publicly accessible, searchable database that contains the information provided in each annual report submitted under paragraph (1).

SEC. 7. FINANCIAL LITERACY AND LIFE SKILLS DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Each institution of higher education shall—

(1) offer a financial literacy and life skills development program described in subsection (b); and
(2) require every college athlete to attend a program during each year of the college athlete’s participation in an intercollegiate sport.

(b) Financial Literacy and Life Skills Development Program.—

(1) IN GENERAL.—Each financial literacy and life skills development program offered under subsection (a) shall—

(A) be not less than 15 hours in total duration across sessions;

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

(C) include, at a minimum, information regarding—

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

(ii) time management skills, personal budgeting, debt, credit, interest rates, contracts, and tax liability relating to endorsement contracts and other income.

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

SEC. 8. ESTABLISHMENT OF THE COLLEGE ATHLETICS CORPORATION.

(a) Establishment.—There is established a corporation, to be known as the “College Athletics Corporation”, which shall not for any purpose be an agency or instrumentality of the United States Government and shall be subject to the provisions of this section.

(b) Purposes.—The purposes of the CAC are as follows:

   (1) To serve as a clearinghouse for best practices with respect to the rights and protections of college athletes who enter into agency contracts and endorsement contracts, including by providing guidance to college athletes concerning such contracts.

   (2) To establish rules and investigatory processes and to bring actions to enforce this Act with respect to athlete representatives, institutions of higher education, conferences, and national intercollegiate athletic associations that violate such rules.

   (3) To promulgate, administer, and enforce standards for reviewing and certifying endorsement
contracts entered into by college athletes, including competency and ethical standards that apply to—

(A) national intercollegiate athletic associations;

(B) conferences;

(C) college athletes;

(D) institutions of higher education; and

(E) athlete representatives.

(4) To establish a formal certification process for athlete representatives by which the CAC shall—

(A) determine the eligibility of an individual to serve as an athlete representative;

(B) periodically verify an athlete representative’s continued eligibility and compliance with this Act and the best practices, rules, and competency and ethical standards established under this subsection; and

(C) in the case of noncompliance with this Act or any such best practice, rule, or competency or ethical standard, revoke a certification issued in accordance with this paragraph.

(5) To provide recommendations to institutions of higher education, conferences, and national intercollegiate athletic associations on how to protect col-
college athletes from unscrupulous athlete representatives.

(6) To investigate disputes with respect to agency contracts and endorsement contracts entered into by college athletes, including—

(A) verifying that athlete representatives involved in the endorsement contract process have acted in the best interests of college athletes; and

(B) monitoring compliance with, and making determinations and findings concerning violations of, this Act.

(7) To provide college athletes with a process for the swift resolution of conflicts concerning agency contracts and endorsement contracts, including by providing a neutral arbitrator for any case in which a college athlete is the complaining party if requested by both parties.

(8) To ensure institutions of higher education and covered athletic organizations are complying with agency contract and endorsement contract rules set forth by the CAC in accordance with this section.

(c) Membership.—
(1) Eligibility.—Eligibility for membership in the CAC shall be as provided in the constitution and bylaws of the CAC.

(2) Required provisions for representation.—In its constitution and bylaws, the CAC shall establish and maintain provisions with respect to its governance and the conduct of its affairs for the reasonable representation of—

(A) college athletes;

(B) administrators of institutions of higher education, including directors of athletics;

(C) administrators of national intercollegiate athletic associations;

(D) athletic conference administrators;

(E) professionals with expertise in sports marketing, contracting, and public relations; and

(F) individuals unaffiliated with any national intercollegiate athletic association who, in the judgment of the board of directors of the CAC, represent the interest of providing oversight of the activities of the CAC.

(d) Board of Directors.—
(1) **In General.**—The CAC shall be governed by a board of directors comprised of 15 voting members.

(2) **Representation.**—

(A) **In General.**—Not less than $\frac{1}{3}$ of the membership of the board of directors of the CAC shall be composed of current or former college athletes.

(B) **Current College Athletes.**—Not less than 20 percent of the membership of the board of directors of the CAC shall be composed of college athletes who are—

(i) actively engaged in college athletic events; or

(ii) have engaged in college athletic events during the 10 years immediately preceding appointment to the board of directors.

(c) **Powers.**—

(1) **Constitution and Bylaws.**—The CAC shall adopt a constitution and bylaws.

(2) **General Corporate Powers.**—The CAC may—

(A) establish and maintain offices to conduct the affairs of the CAC;
(B) enter into contracts;

(C) accept gifts, legacies, and devises in furtherance of its corporate purposes;

(D) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the CAC;

(E) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(F) publish a magazine, newsletter, and other publications consistent with its corporate purposes;

(G) approve and revoke membership in the CAC; and

(H) conduct any other activity necessary and proper to carry out the purposes of the CAC.

(3) **Subpoena Power.**—The CAC shall have subpoena power and shall adopt rules that will result in the CAC, in response to appropriate requests, issuing subpoenas duces tecum and ad testificandum and compelling deposition testimony at the request of a national intercollegiate athletic association.

(f) **Restrictions.**—
(1) **Profit and Stock.**—The CAC may not engage in business for profit or issue stock.

(2) **Political Activities.**—The CAC shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

(g) **Headquarters, Principal Office, and Meetings.**—The CAC shall maintain its principal office and national headquarters in a location in the United States chosen by the CAC. The CAC may hold its annual and special meetings in the places chosen by the CAC.

(h) **Service of Process.**—As a condition to the exercise of any power or privilege granted by this section, the CAC shall have a designated agent to receive service of process for the CAC. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the CAC.

(i) **Report.**—Not less frequently than annually, the CAC shall submit to the Committee on Commerce, Transportation, and Science of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) the number of disputes investigated by the CAC in the preceding year pursuant to subsection (b)(6);
(2) the number of such disputes filed in the preceding year; and

(3) any recommendations to improve the endorsement contract process.

SEC. 9. ENFORCEMENT ACTIONS BY STATES.

(a) IN GENERAL.—In any case in which the attorney general of a State, or such other official as the State may designate, has reason to believe that an interest of the residents of such State has been or is threatened or adversely affected by an act or practice in violation of this Act, or a standard or rule established under this Act, the State may bring a civil action on behalf of the residents of the State in an appropriate State court or a Federal district court of the United States that is located in the State and has jurisdiction over the defendant—

(1) to enforce compliance with this Act or such standard or rule; and

(2) for all appropriate remedies.

(b) NOTICE.—

(1) IN GENERAL.—Before filing an action under this section or commencing any other administrative or regulatory proceeding to enforce this Act, or a standard or rule established under this Act, the attorney general, official, or agency of the State involved shall provide to the CAC—
(A) a written notice of such action or proceeding; and

(B) a copy of the complaint for such action or proceeding.

(2) CONTENTS OF NOTICE.—The written notice required by paragraph (1) shall include—

(A) the identity of the parties;

(B) a description of the alleged facts underlying the action or proceeding; and

(C) an assessment as to whether there is a need to coordinate the prosecution of the action or proceeding so as not to interfere with any action or proceeding undertaken by the CAC or a Federal agency.

(3) CAC RESPONSE.—On receiving notice under this subsection of an action or proceeding under this subsection, the CAC shall have the right—

(A) to intervene in the action or proceeding;

(B) upon so intervening—

(i) to remove the action or proceeding to the appropriate United States Federal district court, if the action or proceeding was not originally brought there; and
(ii) to be heard on all matters arising
in the action or proceeding; and
(C) to appeal any order or judgment, to
the same extent as any other party in the pro-
ceeding.
(e) Regulations.—The CAC shall prescribe regula-
tions to implement this section and, from time to time,
provide guidance to further coordinate actions with State
attorneys general and other regulators.
(d) Rule of Construction.—Nothing in this sec-
tion may be construed as altering, limiting, or affecting
the authority of a State attorney general or any other reg-
ulatory or enforcement agency or authority to bring an
action or other regulatory proceeding arising solely under
the law in effect in that State.
SEC. 10. ROLE OF NATIONAL INTERCOLLEGIATE ATHLETIC
ASSOCIATIONS.
A national intercollegiate athletic association may—
(1) establish rules to enforce the provisions of
this Act and the standards issued under section
8(b)(2); and
(2) enforce such rules, including by, depending
on the severity of the violation—
(A) declaring ineligible for college athlete competition a college athlete who receives payments in violation of such rules;

(B) withholding 1 or more revenue distributions from an institution of higher education that directs the covered compensation of third parties in violation of such rules; and

(C) suspending or permanently removing from involvement in intercollegiate athletics any athletic personnel or volunteer who violate this Act.

SEC. 11. REPORTING.

(a) Biennial Report.—Not later than 180 days after the date of the enactment of this Act, and biennially thereafter, the head of each national intercollegiate athletic association shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) a summary of the systemic issues faced by the national intercollegiate athletic association relating to compliance with this Act;

(2) a summary of the trends that are developing among institutions of higher education, conferences, and national intercollegiate athletic asso-
ciations in response to the prohibitions under this Act; and

(3) recommendations for improvements to intercollegiate athletics that would improve the health, safety, and educational opportunities of college athletes.

(b) INVESTIGATION AND REPORT.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall—

(1) conduct an investigation to assess compliance with this Act; and

(2) submit to Congress a report that includes—

(A) a summary of the investigation conducted under paragraph (1); and

(B) recommendations for improvements to intercollegiate athletics that would improve the health, safety, and educational opportunities of college athletes.

SEC. 12. RULE OF CONSTRUCTION.

Nothing in this Act may be construed—

(1) to create liability at the State or Federal level for any conduct involving violations relating to antitrust laws occurring before the date of the enactment of this Act; or
(2) to interfere with the authority of the States
to regulate attorneys.

SEC. 13. PREEMPTION OF STATE NAME, IMAGE, AND LIKENESS LAWS AND REGULATIONS.

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

(1) the freedom of a college athlete to transfer
from one institution of higher education to another
institution of higher education;

(2) the provision by a third party of any benefit
of financial value described in subparagraph (A),
(B), or (C) of section 4(d) received by a college ath-
lete;

(3) the commercial use of, and the provision of
covered compensation for such use of, the name,
image, or likeness of a college athlete; or

(4) the certification of athlete representatives
associated with intercollegiate athletics.

SEC. 14. SEVERABILITY.

If any provision of this Act or the application of such
provision to any person or circumstance is held to be un-
constitutional, the remainder of this Act, and the applica-
tion of the provision to any other person or circumstance,
shall not be affected.