

117TH CONGRESS
1ST SESSION

S. _____

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 (1) AGENCY CONTRACT.—The term “agency
2 contract” means a written agreement in which a col-
3 lege athlete authorizes an athlete representative to
4 act on behalf of the college athlete.

5 (2) ATHLETE REPRESENTATIVE.—

6 (A) IN GENERAL.—The term “athlete rep-
7 resentative” means an individual who—

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

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

13 (I) entering into an agency con-
14 tract with the college athlete;

15 (II) representing or attempting
16 to represent the college athlete for the
17 purpose of marketing his or her ath-
18 letics ability or reputation for finan-
19 cial gain; or

20 (III) seeking to obtain any type
21 of agreement for financial gain or
22 benefit from the potential earnings of
23 the college athlete as a professional
24 athlete.

1 (B) INCLUSIONS.—The term “athlete rep-
2 resentative” includes—

- 3 (i) a certified contract advisor;
4 (ii) a financial advisor;
5 (iii) a marketing representative;
6 (iv) a brand manager; and
7 (v) any individual employed by an in-
8 dividual described in any of clauses (i)
9 through (iv).

10 (C) EXCLUSIONS.—The term “athlete rep-
11 resentative” does not include—

- 12 (i) the spouse, a parent, a sibling, a
13 grandparent, or a legal guardian of a col-
14 lege athlete; or
15 (ii) an individual acting solely on be-
16 half of a professional sports team or a pro-
17 fessional sports organization.

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

20 (4) COLLEGE ATHLETE.—The term “college
21 athlete” means an athlete who is recruited to attend,
22 or is enrolled in, a 4-year degree-granting institution
23 of higher education to participate in its designated
24 intercollegiate athletics program.

1 (5) COLLEGE ATHLETIC COMPETITION.—The
2 term “college athletic competition” means any var-
3 sity game, meet, or other competition between or
4 among athletic teams sponsored by institutions of
5 higher education.

6 (6) COLLEGE ATHLETIC EVENT.—

7 (A) IN GENERAL.—The term “college ath-
8 letic event” means a game, meet, competition,
9 banquet, practice, conditioning session, media
10 session, or any other event that has been orga-
11 nized or authorized by an intercollegiate ath-
12 letics department of an institution of higher
13 education or by a national intercollegiate ath-
14 letic association, regardless of whether such
15 event occurs on or off the campus of an institu-
16 tion of higher education or during or outside
17 the season for competition.

18 (B) INCLUSION.—The term “college ath-
19 letic event” includes travel to and from any
20 event described in subparagraph (A).

21 (7) CONFERENCE.—The term “conference”
22 means any organization or association that—

23 (A) has as members 2 or more institutions
24 of higher education; and

1 (B) arranges championships and sets rules
2 for college athletic competition.

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

5 (A) has the meaning given the term in sec-
6 tion 472 of the Higher Education Act of 1965
7 (20 U.S.C. 10871l); and

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

12 (9) COVERED COMPENSATION.—

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

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

21 (i) grants-in-aid;

22 (ii) Federal Pell Grants and other
23 State or Federal grants unrelated to and
24 not awarded with regard to participation in
25 college athletic events;

1 (iii) health insurance and costs of
2 health care, including health insurance and
3 health care costs wholly or partly self-fund-
4 ed by an institution of higher education or
5 a national intercollegiate athletic associa-
6 tion;

7 (iv) disability and loss-of-value insur-
8 ance, including disability and loss-of-value
9 insurance that is wholly or partly self-
10 funded by an institution of higher edu-
11 cation or a national intercollegiate athletic
12 association;

13 (v) career counseling, job placement
14 services, and other guidance available to all
15 students at an institution of higher edu-
16 cation; and

17 (vi) payment of hourly wages and ben-
18 efits for work actually performed (and not
19 for participation in college athletic events)
20 at a rate commensurate with the going
21 rate in the locality of an institution of
22 higher education for similar work.

23 (10) ENDORSEMENT CONTRACT.—The term
24 “endorsement contract” has the meaning given the

1 term in section 2 of the Sports Agent Responsibility
2 and Trust Act (15 U.S.C. 7801).

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

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

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

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

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

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

22 (B) does not include covered compensation
23 paid to an individual who is a college athlete or
24 a former college athlete.

1 (14) IMAGE.—The term “image”, with respect
2 to a college athlete, means a photograph, video, or
3 computer-generated representation that identifies, is
4 linked to, or is reasonably linkable to the athlete.

5 (15) INSTITUTION OF HIGHER EDUCATION.—
6 The term “institution of higher education”—

7 (A) has the meaning given the term under
8 section 101 of the Higher Education Act of
9 1965 (20 U.S.C. 1001); and

10 (B) includes controlled affiliates that oper-
11 ate athletics departments on behalf of institu-
12 tions of higher education.

13 (16) LIKENESS.—The term “likeness” means—

14 (A) with respect to a college athlete of a
15 sport for which the athlete has a jersey number,
16 the jersey number associated with the athlete
17 and the sport in which the athlete participates
18 at a particular institution of higher education
19 during the period of the participation of the
20 athlete in the sport at the institution of higher
21 education, if the jersey number is accompanied
22 by—

23 (i) a logo or color scheme that is
24 clearly associated with the institution of
25 higher education; or

1 (ii) some other means by which the
2 jersey number is clearly associated with
3 the particular athlete; and

4 (B) with respect to any college athlete—

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

7 (ii) any other trademark that identi-
8 fies or distinguishes the athlete.

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

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

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

15 (C) a unique nickname that identifies the
16 athlete.

17 (18) NATIONAL INTERCOLLEGIATE ATHLETIC
18 ASSOCIATION.—

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

23 (i) sponsors or arranges college ath-
24 letic competitions between institutions of
25 higher education; and

1 (ii) sets common rules, standards,
2 procedures, or guidelines for the adminis-
3 tration of college athletic competitions at
4 institutions of higher education.

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

7 (i) the National Collegiate Athletic
8 Association;

9 (ii) each division and member con-
10 ference of the National Collegiate Athletic
11 Association;

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

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

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

21 (A) is not an institution of higher edu-
22 cation, a conference, or a national intercolle-
23 giate athletic association; and

24 (B) is unaffiliated with—

- 1 (i) an athletics department of an insti-
2 tution of higher education;
3 (ii) a conference; or
4 (iii) a national intercollegiate athletic
5 association.

6 (20) UNAFFILIATED.—With respect to 2 or
7 more individuals or entities, the term “unaffiliated”
8 means that the individuals or entities do not share
9 interrelated operations, common management, cen-
10 tralized control of labor relations, or common owner-
11 ship or financial control.

12 **SEC. 3. NAME, IMAGE, AND LIKENESS.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), an institution of higher education, conference, or na-
15 tional intercollegiate athletic association, may not punish
16 or prohibit the participation of a college athlete in a col-
17 lege athletic event or college athletic competition based on
18 the college athlete having entered into an endorsement
19 contract with a third party.

20 (b) EXCEPTIONS.—

21 (1) CERTAIN INDUSTRIES AND CONTRACTS.—
22 An institution of higher education may prohibit a
23 college athlete from entering into an endorsement
24 contract with a third party if—

1 (A) the third party represents an indus-
2 try—

3 (i) with respect to which the institu-
4 tion of higher education imposes restric-
5 tions, in the code of student conduct of the
6 institution of higher education, for moral
7 reasons; and

8 (ii) with which the institution of high-
9 er education does not partner; or

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

13 (2) PROHIBITION ON INDUCEMENTS.—

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

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

21 (ii) a college athlete to continue at-
22 tending a particular institution of higher
23 education.

24 (B) AMOUNT OF COVERED COMPENSA-
25 TION.—An institution of higher education, con-

1 ference, or national intercollegiate athletic asso-
2 ciation shall have no part in determining the
3 amount of covered compensation provided by a
4 third party in an endorsement contract with a
5 college athlete.

6 **SEC. 4. PROTECTIONS FOR COLLEGE ATHLETES.**

7 (a) REPRESENTATION CONTRACTS.—

8 (1) IN GENERAL.—An institution of higher edu-
9 cation, conference, or national intercollegiate athletic
10 association may not punish or prohibit the participa-
11 tion of a college athlete in a college athletic event or
12 college athletic competition based on the college ath-
13 lete having—

14 (A) secured legal representation; or

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

18 (2) PREVENTING CONFLICTS OF INTEREST.—

19 (A) IN GENERAL.—An institution of higher
20 education, conference, or national intercollegiate
21 athletic association may not—

22 (i) represent college athletes in en-
23 dorsement contracts;

1 (ii) regulate the representation of col-
2 lege athletes with respect to endorsement
3 contracts;

4 (iii) engage in the certification of indi-
5 viduals for such representation; or

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

8 (B) RULE OF CONSTRUCTION.—Nothing in
9 this paragraph may be construed to prohibit
10 college athletes from receiving, or limit the abil-
11 ity of college athletes to receive, from an insti-
12 tution of higher education advice or services
13 with respect to legal matters unrelated to inter-
14 collegiate athletics that are available to all stu-
15 dents.

16 (b) ENDORSEMENT CONTRACTS.—

17 (1) NOTIFICATION OF RULES.—An institution
18 of higher education shall provide to each college ath-
19 lete enrolled at the institution of higher education,
20 in a timely manner before the start of the regular
21 session or participation of the college athlete in a
22 college athletics program, a list of rules that govern
23 endorsement contracts.

24 (2) INSTITUTION OF HIGHER EDUCATION
25 AGREEMENTS WITH THIRD PARTIES.—An institution

1 of higher education, conference, or national inter-
2 collegiate athletic association may allow a third
3 party to use the intellectual property rights of the
4 institution of higher education, conference, or na-
5 tional intercollegiate athletic association as part of
6 an endorsement contract of a college athlete, if—

7 (A) the third party directly provides cov-
8 ered compensation to the college athlete con-
9 cerned, or their athlete representative, pursuant
10 to the endorsement contract; and

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

16 (3) LIMITATIONS ON CONCURRENT ACTIVI-
17 TIES.—

18 (A) MANDATORY EVENTS.—

19 (i) IN GENERAL.—An institution of
20 higher education may prohibit a college
21 athlete from engaging in in-person activi-
22 ties in connection with an endorsement
23 contract that are concurrent with a man-
24 datory college athletic event or college ath-
25 letic competition.

1 (ii) ACTIVITIES BEFORE AND AFTER
2 EVENTS.—The CAC may, in accordance
3 with section 8(b)(2), by rule, set a time pe-
4 riod before and after a mandatory college
5 athletic event or college athletic competi-
6 tion during which an institution of higher
7 education may prohibit such in-person ac-
8 tivities.

9 (B) NONAPPLICABILITY TO PRE-RECORDED
10 ACTIVITIES.—Subparagraph (A) shall not apply
11 to scheduled social media posts, pre-recorded
12 commercials, and other commercial or business
13 activities that do not take place in person.

14 (4) DISCLOSURE OF ENDORSEMENT CON-
15 TRACTS.—

16 (A) REQUIREMENTS FOR COLLEGE ATH-
17 LETES.—

18 (i) ENROLLED ATHLETES.—With re-
19 spect to a college athlete enrolled in an in-
20 stitution of higher education who enters
21 into an endorsement contract, the college
22 athlete shall, not later than 7 days after
23 entering into the endorsement contract,
24 provide to a designated employee of the in-

1 stitution of higher education a copy of the
2 endorsement contract.

3 (ii) RECRUITED ATHLETES.—With re-
4 spect to a college athlete who is or may be
5 recruited to attend, but is not yet enrolled
6 in, an institution of higher education and
7 who enters into an endorsement contract,
8 the college athlete shall, before signing a
9 letter of intent, provide to designated em-
10 ployee of the institution of higher edu-
11 cation a copy of all current and expired en-
12 dorsement contracts entered into by the
13 college athlete.

14 (iii) DE MINIMIS CONTRACTS.—This
15 subparagraph shall not apply to a college
16 athlete described in clause (i) or (ii) who
17 receives less than \$1,000 annually, in the
18 aggregate, from endorsement contracts.

19 (B) PRIVACY.—

20 (i) NONDISCLOSURE OF ENDORSE-
21 MENT CONTRACT.—An individual des-
22 ignated by an institution of higher edu-
23 cation to receive and review an endorse-
24 ment contract, or the CAC, may not dis-
25 close the endorsement contract or any term

1 of the endorsement contract publicly or to
2 any other individual without the express
3 written consent of the college athlete con-
4 cerned or the athlete representative of such
5 college athlete before such disclosure, un-
6 less such college athlete or athlete rep-
7 resentative makes such information public.

8 (ii) NONAPPLICABILITY OF OPEN-
9 RECORDS LAWS.—Endorsement contracts
10 and other financial information provided
11 by a college athlete to an institution of
12 higher education or the CAC shall not be
13 subject to Federal or State open-records
14 laws.

15 (c) RESCISSION OF AGREEMENTS.—A college athlete
16 who no longer participates in college athletic competitions
17 may rescind an endorsement contract with a remaining
18 term of more than 1 year—

19 (1) without being held liable for breach; and
20 (2) with no obligation to return earned pay-
21 ments that were received before giving notice of the
22 rescission.

23 (d) ADDITIONAL BENEFITS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), an institution of higher education, con-

1 ference, or national intercollegiate athletic associa-
2 tion may not punish a college athlete, or prohibit the
3 participation of a college athlete in a college athletic
4 event or college athletic competition, based on the
5 college athlete having received—

6 (A) reasonable food, rent, medical ex-
7 penses, or insurance from a third party;

8 (B) tuition, fees, or books, from a third
9 party that are not otherwise paid for by an in-
10 stitution of higher education; or

11 (C) reasonable transportation for the col-
12 lege athlete or the friends or family members of
13 the college athlete during any period in which
14 the college athlete—

15 (i) is experiencing a physical or men-
16 tal health concern; or

17 (ii) is participating in a college ath-
18 letic event or college athletic competition.

19 (2) EXCEPTIONS.—An institution of higher
20 education, conference, or national intercollegiate ath-
21 letic association may prohibit the participation of a
22 college athlete in a college athletic event or college
23 athletic competition based on the college athlete hav-
24 ing received additional benefits that violate a rule es-

1 established by the CAC in accordance with section
2 8(b)(2).

3 (e) PROFESSIONAL SPORTS DRAFTS.—

4 (1) IN GENERAL.—An institution of higher edu-
5 cation, conference, or national intercollegiate athletic
6 association may not punish a college athlete, or pro-
7 hibit the participation of a college athlete in a col-
8 lege athletic event or college athletic competition,
9 based on the college athlete having entered into a
10 professional sports draft, if the college athlete—

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

14 (i) a professional sports league;

15 (ii) a professional sports team;

16 (iii) a sports agent;

17 (iv) an athlete representative; or

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

21 (B) not later than 7 days after the comple-
22 tion of the draft, declares their intent to resume
23 participation in college athletic competition.

24 (f) GRANT-IN-AID PROTECTION.—

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

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

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

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

14 (3) REVOCATION AND REINSTATEMENT.—

15 (A) REVOCATION.—An institution of high-
16 er education may revoke the grant-in-aid of a
17 college athlete or former college athlete who—

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

20 (ii) does not—

21 (I) remain in good standing, de-
22 termined in accordance with—

23 (aa) the rules established by
24 the CAC under section 8(b)(2);

25 or

1 (bb) in the case of a college
2 athlete who is enrolled in an in-
3 stitution of higher education the
4 standards of which are more
5 stringent than the standards de-
6 scribed in item (aa), the stand-
7 ards of the institution of higher
8 education;

9 (II) comply with the code of con-
10 duct as applied to all students of the
11 institution of higher education;

12 (III) meet established athletics
13 program standards and norms for
14 participating in mandatory team ath-
15 letic activities; and

16 (IV) meet scholastic standards
17 for athletic eligibility.

18 (B) NOTICE.—An institution of higher
19 education shall provide a college athlete with
20 timely written notice with respect to any pos-
21 sible reduction in or loss of a grant-in-aid
22 amount or athletic eligibility, in accordance
23 with rules established by the CAC under section
24 8(b)(2).

1 (C) LIMITATIONS.—An institution of high-
2 er education may not revoke the grant-in-aid of
3 a college athlete—

4 (i) on the basis of—

5 (I) the college athlete's athletics
6 ability, performance, or contribution
7 to team success; or

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

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

14 (D) REINSTATEMENT.—In the case of a
15 revocation under subparagraph (A), an institu-
16 tion of higher education may reinstate grant-in-
17 aid if the college athlete concerned reestablishes
18 good standing.

19 (g) PROHIBITIONS RELATING TO COURSEWORK AND
20 EXTRACURRICULAR ACTIVITIES.—An individual working
21 or volunteering for an athletic department of an institu-
22 tion of higher education may not—

23 (1) attempt to discourage a college athlete from
24 selecting a course or an academic major of the col-
25 lege athlete's choice;

1 (i) the season of the sport of the col-
2 lege athlete; or

3 (ii) the 60-day period before the com-
4 mencement of such season; or

5 (2) if the college athlete is subject to an abusive
6 or negligent environment within the institution of
7 higher education from which the college athlete in-
8 tends to transfer.

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

13 (1) OUT-OF-POCKET EXPENSES.—

14 (A) INSTITUTIONS OF HIGHER EDUCATION
15 REPORTING \$20,000,000 OR MORE IN REV-
16 ENUE.—An institution of higher education that
17 reports not less than \$20,000,000 in total an-
18 nual athletics revenue to the Department of
19 Education during the academic year imme-
20 diately preceding the date of the last college
21 athletic competition of a college athlete shall,
22 during the 2-year period beginning on the day
23 after such last college athletic competition, be
24 financially responsible for all out-of-pocket med-
25 ical expenses of the college athlete's health care

1 coverage for any injury incurred or commu-
2 nicable disease acquired while the college ath-
3 lete was participating in a college athletic event
4 or a college athletic competition.

5 (B) INSTITUTIONS OF HIGHER EDUCATION
6 REPORTING \$50,000,000 OR MORE IN REV-
7 ENUE.—An institution of higher education that
8 reports not less than \$50,000,000 in total an-
9 nual athletics revenue to the Department of
10 Education during the academic year imme-
11 diately preceding the date of the last college
12 athletic competition of a college athlete shall be
13 financially responsible for—

14 (i) providing or procuring the college
15 athlete’s athletic-related health care cov-
16 erage; and

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

24 (2) SECOND OPINIONS.—During the enrollment
25 of a college athlete in an institution of higher edu-

1 cation and continuing through the 2-year period de-
2 scribed in subparagraph (A) of paragraph (1) or the
3 4-year period described in subparagraph (B) of that
4 paragraph, as applicable, an institution of higher
5 education shall be financially responsible for the ex-
6 pense of obtaining, for college athletes and former
7 college athletes, medical second opinions independent
8 from the institution of higher education.

9 (3) EXCEPTION.—The responsibilities under
10 paragraphs (1) and (2) shall not apply to an institu-
11 tion of higher education in the case of a college ath-
12 lete who transfers out of the institution of higher
13 education to continue participation in college ath-
14 letics elsewhere.

15 (4) MEDICAL TRUST FUND.—

16 (A) ESTABLISHMENT.—The CAC shall es-
17 tablish a medical trust fund to help cover the
18 cost of—

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

1 athletic event or college athletic competi-
2 tion; and

3 (ii) medical expenses for college ath-
4 letes diagnosed with significant long-term
5 conditions related to their participation in
6 college athletics, including chronic trau-
7 matic encephalopathy and any other cog-
8 nitive impairment.

9 (B) CONTRIBUTIONS.—

10 (i) IN GENERAL.—Not later than July
11 31 each year, institutions of higher edu-
12 cation, conferences, and national intercolle-
13 giate athletic associations that generate
14 not less than \$50,000,000 in annual rev-
15 enue shall make contributions to the Fund,
16 in an amount determined by the CAC, to
17 help cover the costs of medical treatments
18 described in subparagraph (A) for the ap-
19 plicable academic year.

20 (ii) CONSIDERATION.—In determining
21 the amount to be contributed by an insti-
22 tution of higher education, conference, or
23 national intercollegiate athletic association,
24 the CAC shall take into account the rev-
25 enue of the institution of higher education,

1 conference, or national intercollegiate ath-
2 letic association.

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

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

9 (1) impose on college athletes restrictions on
10 speech that are more stringent than restrictions on
11 speech imposed on other students enrolled in the in-
12 stitution of higher education; or

13 (2) coordinate or cooperate with any other insti-
14 tution of higher education, conference, national
15 intercollegiate athletic association, or third party to
16 limit endorsement contract opportunities or deter-
17 mine the amount of payment offered to a college
18 athlete under an endorsement contract.

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

20 (a) ESTABLISHMENT OF STANDARDS.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this Act, the Secretary
23 of Health and Human Services (referred to in this
24 subsection as the “Secretary”), in consultation with
25 the CAC, shall establish health, wellness, and safety

1 standards to protect college athletes from serious in-
2 jury and conditions, mistreatment and abuse, and
3 death.

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

7 (A) consult with—

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

10 (ii) the National Association of Inter-
11 collegiate Athletics;

12 (iii) the National Junior College Ath-
13 letics Association; and

14 (iv) the athlete health and safety ad-
15 vocacy communities; and

16 (B) consider existing standards of relevant
17 nonprofit entities, such as the National Colle-
18 giate Athletic Association, conferences, profes-
19 sional sports leagues, and the National Athletic
20 Trainers Association.

21 (3) CONTENT.—The standards established
22 under paragraph (1) shall—

23 (A) be reviewed annually;

24 (B) incorporate up-to-date best practices;

25 and

- 1 (C) address—
- 2 (i) cardiac health;
- 3 (ii) concussion and traumatic brain
- 4 injuries;
- 5 (iii) illegal performance enhancers and
- 6 substance abuse;
- 7 (iv) mental health;
- 8 (v) nutrition, sleep, and performance;
- 9 (vi) overuse injuries, periodization,
- 10 and heat-related illnesses;
- 11 (vii) sexual assault, sexual harass-
- 12 ment, and interpersonal violence;
- 13 (viii) athletics health services adminis-
- 14 tration;
- 15 (ix) weight and pain management;
- 16 (x) Rhabdomyolysis;
- 17 (xi) sickle cell trait;
- 18 (xii) asthma;
- 19 (xiii) best practices to prevent serious
- 20 harm in sports medicine, physical therapy,
- 21 athletic training, and athletic strength and
- 22 conditioning; and
- 23 (xiv) any other topic the Secretary
- 24 considers appropriate.

1 (b) TRAINERS, PHYSICAL THERAPISTS, AND MED-
2 ICAL PERSONNEL.—

3 (1) IN GENERAL.—Athletic trainers, physical
4 therapists, and physicians shall have the autono-
5 mous, unchallengeable authority to determine med-
6 ical management and return-to-play decisions for
7 college athletes under their care, and a coach and
8 other nonmedical personnel of an institution of high-
9 er education may not attempt to influence or dis-
10 regard such decisions.

11 (2) INDEPENDENCE.—The employment and su-
12 pervision of an athletic trainer, physical therapist, or
13 physician at an institution of higher education shall
14 be independent from the athletic department of the
15 institution of higher education.

16 (c) COMPLIANCE.—The CAC may conduct audits,
17 site visits, and investigations of athletic departments to
18 verify compliance with the standards established under
19 subsection (a)(1).

20 (d) PENALTIES.—

21 (1) INDIVIDUALS.—An individual may be sub-
22 ject to a lifetime ban on involvement with intercolle-
23 giate athletics if the individual is found to have—

24 (A) caused serious harm—

1 (i) due to noncompliance with a
2 standard established under subsection
3 (a)(1); or

4 (ii) by failing adequately to address
5 such noncompliance;

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

9 (C) knowingly provided false information;
10 or

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

14 (2) INSTITUTIONS OF HIGHER EDUCATION.—An
15 institution of higher education found to be in non-
16 compliance with a standard established under sub-
17 section (a)(1) shall be responsible for medical and
18 academic expenses related to the resulting harm to
19 a college athlete and any other punishment or reme-
20 dy, as determined by the CAC.

21 **SEC. 6. TRANSPARENCY.**

22 (a) DISCLOSURES.—

23 (1) IN GENERAL.—An institution of higher edu-
24 cation shall make the following legally binding dis-
25 closures to each college athlete before the college

1 athlete commits to enroll in or attend the institution
2 of higher education:

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

8 (B) The amount and duration of grant-in-
9 aid the institution of higher education will pro-
10 vide to assist the college athlete with under-
11 graduate degree completion and graduate de-
12 gree completion following the expiration of the
13 intercollegiate athletics eligibility of the college
14 athlete.

15 (C) The percentage of comprehensive med-
16 ical coverage required, including any required
17 coverage to participate in intercollegiate ath-
18 letics or to enroll as a student, that will be paid
19 by the institution of higher education during
20 the period of college athletics eligibility of the
21 college athlete.

22 (D) The percentage of any out-of-pocket
23 sports-related medical expenses including
24 deductibles, copays, and coinsurance, that the
25 institution of higher education will pay during

1 the period of college athletics eligibility of the
2 college athlete, and the period for which such
3 expenses will be covered after such eligibility ex-
4 pires. Differences between in-network and out-
5 of-network expenses shall be stated.

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

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

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

18 (1) IN GENERAL.—Not later than 60 days after
19 the date on which an academic year ends, each insti-
20 tution of higher education with 1 or more athletic
21 programs shall post publicly on the internet website
22 of the institution of higher education, and submit to
23 the CAC, a report that includes, for the academic
24 year, the following:

1 (A) The revenues and expenditures of each
2 athletics program, including third-party dona-
3 tions, Federal funds, State funds, and com-
4 pensation for athletic program personnel, indi-
5 vidually and in aggregate, by athletic program.

6 (B) The average number of hours college
7 athletes spent on college athletic events and col-
8 lege athletic competition, disaggregated by ath-
9 letic program.

10 (C) The academic outcomes and majors for
11 college athletes, disaggregated by athletic pro-
12 gram, race and ethnicity, and gender.

13 (D) The number, average, and total value
14 of endorsement contracts, disaggregated by ath-
15 letic program, race and ethnicity, and gender.

16 (2) CAC DATABASE.—The CAC shall maintain
17 a publicly accessible, searchable database that con-
18 tains the information provided in each annual report
19 submitted under paragraph (1).

20 **SEC. 7. FINANCIAL LITERACY AND LIFE SKILLS DEVELOP-**
21 **MENT PROGRAM.**

22 (a) IN GENERAL.—Each institution of higher edu-
23 cation shall—

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

1 (2) require every college athlete to attend a pro-
2 gram during each year of the college athlete's par-
3 ticipation in an intercollegiate sport.

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

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

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

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

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

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

18 (ii) time management skills, personal
19 budgeting, debt, credit, interest rates, con-
20 tracts, and tax liability relating to endorse-
21 ment contracts and other income.

22 (2) LIMITATION.—A financial literacy and life
23 skills development program offered under subsection
24 (a) may not include any marketing, advertising, re-

1 ferral, or solicitation by providers of financial prod-
2 ucts or services.

3 **SEC. 8. ESTABLISHMENT OF THE COLLEGE ATHLETICS**
4 **CORPORATION.**

5 (a) ESTABLISHMENT.—There is established a cor-
6 poration, to be known as the “College Athletics Corpora-
7 tion”, which shall not for any purpose be an agency or
8 instrumentality of the United States Government and
9 shall be subject to the provisions of this section.

10 (b) PURPOSES.—The purposes of the CAC are as fol-
11 lows:

12 (1) To serve as a clearinghouse for best prac-
13 tices with respect to the rights and protections of
14 college athletes who enter into agency contracts and
15 endorsement contracts, including by providing guid-
16 ance to college athletes concerning such contracts.

17 (2) To establish rules and investigatory proc-
18 esses and to bring actions to enforce this Act with
19 respect to athlete representatives, institutions of
20 higher education, conferences, and national inter-
21 collegiate athletic associations that violate such
22 rules.

23 (3) To promulgate, administer, and enforce
24 standards for reviewing and certifying endorsement

1 contracts entered into by college athletes, including
2 competency and ethical standards that apply to—

3 (A) national intercollegiate athletic associa-
4 tions;

5 (B) conferences;

6 (C) college athletes;

7 (D) institutions of higher education; and

8 (E) athlete representatives.

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

11 (A) determine the eligibility of an indi-
12 vidual to serve as an athlete representative;

13 (B) periodically verify an athlete represent-
14 ative's continued eligibility and compliance with
15 this Act and the best practices, rules, and com-
16 petency and ethical standards established under
17 this subsection; and

18 (C) in the case of noncompliance with this
19 Act or any such best practice, rule, or com-
20 petency or ethical standard, revoke a certifi-
21 cation issued in accordance with this para-
22 graph.

23 (5) To provide recommendations to institutions
24 of higher education, conferences, and national inter-
25 collegiate athletic associations on how to protect col-

1 lege athletes from unscrupulous athlete representa-
2 tives.

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

6 (A) verifying that athlete representatives
7 involved in the endorsement contract process
8 have acted in the best interests of college ath-
9 letes; and

10 (B) monitoring compliance with, and mak-
11 ing determinations and findings concerning vio-
12 lations of, this Act.

13 (7) To provide college athletes with a process
14 for the swift resolution of conflicts concerning agen-
15 cy contracts and endorsement contracts, including
16 by providing a neutral arbitrator for any case in
17 which a college athlete is the complaining party if
18 requested by both parties.

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

23 (c) MEMBERSHIP.—

1 (1) ELIGIBILITY.—Eligibility for membership in
2 the CAC shall be as provided in the constitution and
3 bylaws of the CAC.

4 (2) REQUIRED PROVISIONS FOR REPRESENTA-
5 TION.—In its constitution and bylaws, the CAC shall
6 establish and maintain provisions with respect to its
7 governance and the conduct of its affairs for the rea-
8 sonable representation of—

9 (A) college athletes;

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

12 (C) administrators of national intercolle-
13 giate athletic associations;

14 (D) athletic conference administrators;

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

18 (F) individuals unaffiliated with any na-
19 tional intercollegiate athletic association who, in
20 the judgment of the board of directors of the
21 CAC, represent the interest of providing over-
22 sight of the activities of the CAC.

23 (d) BOARD OF DIRECTORS.—

1 (1) IN GENERAL.—The CAC shall be governed
2 by a board of directors comprised of 15 voting mem-
3 bers.

4 (2) REPRESENTATION.—

5 (A) IN GENERAL.—Not less than $\frac{1}{3}$ of the
6 membership of the board of directors of the
7 CAC shall be composed of current or former
8 college athletes.

9 (B) CURRENT COLLEGE ATHLETES.—Not
10 less than 20 percent of the membership of the
11 board of directors of the CAC shall be com-
12 posed of college athletes who are—

13 (i) actively engaged in college athletic
14 events; or

15 (ii) have engaged in college athletic
16 events during the 10 years immediately
17 preceding appointment to the board of di-
18 rectors.

19 (e) POWERS.—

20 (1) CONSTITUTION AND BYLAWS.—The CAC
21 shall adopt a constitution and bylaws.

22 (2) GENERAL CORPORATE POWERS.—The CAC
23 may—

24 (A) establish and maintain offices to con-
25 duct the affairs of the CAC;

1 (B) enter into contracts;

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

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

7 (E) borrow money, issue instruments of in-
8 debtedness, and secure its obligations by grant-
9 ing security interests in its property;

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

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

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

18 (3) SUBPOENA POWER.—The CAC shall have
19 subpoena power and shall adopt rules that will result
20 in the CAC, in response to appropriate requests,
21 issuing subpoenas duces tecum and ad testificandum
22 and compelling deposition testimony at the request
23 of a national intercollegiate athletic association.

24 (f) RESTRICTIONS.—

1 (1) PROFIT AND STOCK.—The CAC may not
2 engage in business for profit or issue stock.

3 (2) POLITICAL ACTIVITIES.—The CAC shall be
4 nonpolitical and may not promote the candidacy of
5 an individual seeking public office.

6 (g) HEADQUARTERS, PRINCIPAL OFFICE, AND
7 MEETINGS.—The CAC shall maintain its principal office
8 and national headquarters in a location in the United
9 States chosen by the CAC. The CAC may hold its annual
10 and special meetings in the places chosen by the CAC.

11 (h) SERVICE OF PROCESS.—As a condition to the ex-
12 ercise of any power or privilege granted by this section,
13 the CAC shall have a designated agent to receive service
14 of process for the CAC. Notice to or service on the agent,
15 or mailed to the business address of the agent, is notice
16 to or service on the CAC.

17 (i) REPORT.—Not less frequently than annually, the
18 CAC shall submit to the Committee on Commerce, Trans-
19 portation, and Science of the Senate and the Committee
20 on Energy and Commerce of the House of Representatives
21 a report that includes—

22 (1) the number of disputes investigated by the
23 CAC in the preceding year pursuant to subsection
24 (b)(6);

1 (2) the number of such disputes filed in the
2 preceding year; and

3 (3) any recommendations to improve the en-
4 dorsement contract process.

5 **SEC. 9. ENFORCEMENT ACTIONS BY STATES.**

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

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

18 (2) for all appropriate remedies.

19 (b) NOTICE.—

20 (1) IN GENERAL.—Before filing an action
21 under this section or commencing any other admin-
22 istrative or regulatory proceeding to enforce this
23 Act, or a standard or rule established under this
24 Act, the attorney general, official, or agency of the
25 State involved shall provide to the CAC—

1 (A) a written notice of such action or pro-
2 ceeding; and

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

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

7 (A) the identity of the parties;

8 (B) a description of the alleged facts un-
9 derlying the action or proceeding; and

10 (C) an assessment as to whether there is
11 a need to coordinate the prosecution of the ac-
12 tion or proceeding so as not to interfere with
13 any action or proceeding undertaken by the
14 CAC or a Federal agency.

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

18 (A) to intervene in the action or pro-
19 ceeding;

20 (B) upon so intervening—

21 (i) to remove the action or proceeding
22 to the appropriate United States Federal
23 district court, if the action or proceeding
24 was not originally brought there; and

1 (ii) to be heard on all matters arising
2 in the action or proceeding; and

3 (C) to appeal any order or judgment, to
4 the same extent as any other party in the pro-
5 ceeding.

6 (c) REGULATIONS.—The CAC shall prescribe regula-
7 tions to implement this section and, from time to time,
8 provide guidance to further coordinate actions with State
9 attorneys general and other regulators.

10 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed as altering, limiting, or affecting
12 the authority of a State attorney general or any other reg-
13 ulatory or enforcement agency or authority to bring an
14 action or other regulatory proceeding arising solely under
15 the law in effect in that State.

16 **SEC. 10. ROLE OF NATIONAL INTERCOLLEGIATE ATHLETIC**
17 **ASSOCIATIONS.**

18 A national intercollegiate athletic association may—

19 (1) establish rules to enforce the provisions of
20 this Act and the standards issued under section
21 8(b)(2); and

22 (2) enforce such rules, including by, depending
23 on the severity of the violation—

1 (A) declaring ineligible for college athlete
2 competition a college athlete who receives pay-
3 ments in violation of such rules;

4 (B) withholding 1 or more revenue dis-
5 tributions from an institution of higher edu-
6 cation that directs the covered compensation of
7 third parties in violation of such rules; and

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

12 **SEC. 11. REPORTING.**

13 (a) BIENNIAL REPORT.—Not later than 180 days
14 after the date of the enactment of this Act, and biennially
15 thereafter, the head of each national intercollegiate ath-
16 letic association shall submit to the Committee on Com-
17 merce, Science, and Transportation of the Senate and the
18 Committee on Energy and Commerce of the House of
19 Representatives a report that includes—

20 (1) a summary of the systemic issues faced by
21 the national intercollegiate athletic association relat-
22 ing to compliance with this Act;

23 (2) a summary of the trends that are devel-
24 oping among institutions of higher education, con-
25 ferences, and national intercollegiate athletic asso-

1 ciations in response to the prohibitions under this
2 Act; and

3 (3) recommendations for improvements to inter-
4 collegiate athletics that would improve the health,
5 safety, and educational opportunities of college ath-
6 letes.

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

11 (1) conduct an investigation to assess compli-
12 ance with this Act; and

13 (2) submit to Congress a report that includes—

14 (A) a summary of the investigation con-
15 ducted under paragraph (1); and

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

20 **SEC. 12. RULE OF CONSTRUCTION.**

21 Nothing in this Act may be construed—

22 (1) to create liability at the State or Federal
23 level for any conduct involving violations relating to
24 antitrust laws occurring before the date of the enact-
25 ment of this Act; or

1 (2) to interfere with the authority of the States
2 to regulate attorneys.

3 **SEC. 13. PREEMPTION OF STATE NAME, IMAGE, AND LIKE-**
4 **NESS LAWS AND REGULATIONS.**

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

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

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

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

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

20 **SEC. 14. SEVERABILITY.**

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