

116TH CONGRESS  
2D SESSION

# H. R. 9033

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

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2020

Ms. SCHAKOWSKY (for herself and Mr. COHEN) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) ATHLETIC DEPARTMENT.—The term “ath-  
2           letic department” means a department at an institu-  
3           tion of higher education responsible for overseeing  
4           one or more athletic programs and related staff.

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

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

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

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

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

24           (5) COLLEGE ATHLETE AGENT.—The term  
25           “college athlete agent” means an athlete agent (as

1 defined in section 2 of the Sports Agent Responsi-  
2 bility and Trust Act (15 U.S.C. 7801)) who is cer-  
3 tified in accordance with the standards established  
4 under section 11(d)(1).

5 (6) COMMERCIAL SPORTS REVENUE ROY-  
6 ALTY.—The term “commercial sports revenue roy-  
7 alty” means funds distributed to a college athlete by  
8 an intercollegiate athletic association under section  
9 5(b)(2).

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

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

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

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

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

1           (10) COVERED COMPENSATION.—The term  
2 “covered compensation”—

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

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

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

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

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

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

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

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

5 (B) does not include covered compensation.

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

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

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

20 (A) exercises authority over intercollegiate  
21 athletics; and

22 (B) is engaged in commerce or in any in-  
23 dustry or activity affecting commerce.

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

1 (A) with respect to a college athlete of a  
2 sport for which the college athlete has a jersey  
3 number, the jersey number associated with the  
4 college athlete and the sport in which the col-  
5 lege athlete participates at a particular institu-  
6 tion of higher education during the period of  
7 the participation of the college athlete in the  
8 sport at the institution of higher education, if  
9 the jersey number is accompanied by—

10 (i) a logo or color scheme that is  
11 clearly associated with the institution of  
12 higher education; or

13 (ii) some other means by which the  
14 jersey number is clearly associated with  
15 the particular college athlete; and

16 (B) with respect to any college athlete or  
17 former college athlete—

18 (i) the uniquely identifiable voice,  
19 catch phrase, or nickname of the college  
20 athlete; or

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

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

1 (A) the first name and last or family name  
2 that identifies the college athlete;

3 (B) a nickname or a preferred name of the  
4 college athlete; or

5 (C) a name that the college athlete uses to  
6 identity the college athlete.

7 (19) REPORTING YEAR.—The term “reporting  
8 year” means the time period covered by a report  
9 submitted by an institution of higher education  
10 under section 485(g) of the Higher Education Act of  
11 1965 (20 U.S.C. 1092(g)).

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

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

17 (a) RIGHT TO MARKET NAME, IMAGE, LIKENESS, OR  
18 ATHLETIC REPUTATION.—

19 (1) IN GENERAL.—Subject to a limitation pur-  
20 suant to paragraph (3), an institution of higher edu-  
21 cation, an intercollegiate athletic association, or a  
22 conference may not restrict the ability of college ath-  
23 letes, individually or as a group, to market the use  
24 of their names, images, likenesses, or athletic rep-  
25 utations.

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

6           (3) CERTAIN STATE LIMITATIONS PER-  
7           MITTED.—

8           (A) IN GENERAL.—Notwithstanding para-  
9           graph (1), a State may prohibit college athletes  
10          residing in the State from entering into en-  
11          dorsement contracts with entities in a par-  
12          ticular industry if the State also prohibits insti-  
13          tutions of higher education located in the State  
14          from entering into agreements with such enti-  
15          ties.

16          (B) NOTIFICATION OF COLLEGE ATH-  
17          LETES.—An institution of higher education  
18          shall provide to each college athlete enrolled at  
19          the institution of higher education a list of enti-  
20          ties with which institutions of higher education  
21          and college athletes are prohibited from enter-  
22          ing into endorsement contracts pursuant to sub-  
23          paragraph (A).

24          (4) INSTITUTION OF HIGHER EDUCATION  
25          AGREEMENTS WITH THIRD PARTIES.—In conjunc-



1 tion with an endorsement contract of a college ath-  
2 lete enrolled at a particular institution of higher  
3 education, such institution of higher education may  
4 enter into a separate agreement with the third party  
5 concerned for the intellectual property rights or the  
6 name, image, likeness, or athletic reputation rights  
7 of the institution of higher education, including the  
8 use of the logos and team uniforms of the institution  
9 of higher education, if—

10 (A) the third party provides directly to the  
11 college athlete concerned covered compensation  
12 pursuant to the endorsement contract; and

13 (B) the agreement between the institution  
14 of higher education and the third party is not  
15 initiated or coordinated by the institution of  
16 higher education.

17 (5) INSTITUTION-SPONSORED COMPETITION  
18 AND PRACTICES.—

19 (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), an institution of higher edu-  
21 cation may require a college athlete to use, dur-  
22 ing a competition or practice sponsored by the  
23 institution of higher education, apparel selected  
24 by the institution of higher education.

25 (B) EXCEPTIONS.—

1 (i) ACTIVITIES OTHER THAN MANDA-  
2 TORY TEAM ACTIVITIES.—An institution of  
3 higher education may not prohibit, and  
4 may not enter into a contract that pro-  
5 hibits, a college athlete from carrying out  
6 activities pursuant to an endorsement con-  
7 tract during a period in which the college  
8 athlete is not engaged in a mandatory  
9 team activity.

10 (ii) FOOTWEAR.—An institution of  
11 higher education may not prohibit or dis-  
12 courage a college athlete from wearing  
13 footwear of his or her choice during man-  
14 datory team activities, unless the footwear  
15 has lights, reflective fabric, or poses a  
16 health risk to the college athlete.

17 (6) TREATMENT OF COMPENSATION, BENEFITS,  
18 OR ROYALTIES PROVIDED TO COLLEGE ATHLETES.—  
19 Covered compensation or commercial sports revenue  
20 royalties—

21 (A) shall not be considered financial aid by  
22 any institution of higher education, intercolle-  
23 giate athletic association, conference, or third  
24 party; and

1 (B) notwithstanding section 480(j) of the  
2 Higher Education Act of 1965 (20 U.S.C.  
3 1087vv(j)), shall not be included as financial as-  
4 sistance for purposes of determining a student's  
5 eligibility for financial assistance under title IV  
6 of the Higher Education Act of 1965 (20  
7 U.S.C. 1070 et seq.).

8 (b) RIGHT TO COMPENSATION FOR EXPENSES.—

9 (1) IN GENERAL.—An institution of higher edu-  
10 cation, an intercollegiate athletic association, or a  
11 conference may not restrict the ability of a college  
12 athlete to receive payment from any source for—

13 (A) transportation, room, or board for one  
14 or more friends or family members of the col-  
15 lege athlete during any period in which the col-  
16 lege athlete is addressing a physical or mental  
17 health concern or participating in intercollegiate  
18 athletics competition;

19 (B) necessities, including food, shelter,  
20 medical coverage, and medical expenses; or

21 (C) tuition, fees, books, transportation, or  
22 any other incidental expense that is not other-  
23 wise provided by an institution of higher edu-  
24 cation.

25 (2) GRANTS-IN-AID GUARANTEES.—

1 (A) Receipt of covered compensation pur-  
2 suant to an endorsement contract shall not ad-  
3 versely affect—

4 (i) a college athlete’s eligibility or op-  
5 portunity to apply for a grant-in-aid; or

6 (ii) the amount, duration, or renewal  
7 of a college athlete’s grant-in-aid.

8 (B) LIMITATION ON REVOCATION.—An in-  
9 stitution of higher education may not revoke or  
10 reduce a college athlete’s grant-in-aid based on  
11 the college athlete having entered into an en-  
12 dorsement contract.

13 (c) RIGHT TO AGENT REPRESENTATION.—

14 (1) IN GENERAL.—An institution of higher edu-  
15 cation, an intercollegiate athletic association, or a  
16 conference may not restrict the ability of a college  
17 athlete to obtain agent representation with respect  
18 to an endorsement contract, including—

19 (A) representation provided by college ath-  
20 lete agents, group licensing entities, and finan-  
21 cial advisors; and

22 (B) legal representation by attorneys.

23 (2) PREVENTING CONFLICTS OF INTEREST.—  
24 An institution of higher education, an intercollegiate  
25 athletic association, or a conference, or a business

1 partner of an institution of higher education, an  
2 intercollegiate athletic association, or a conference  
3 may not—

4 (A) represent college athletes in endorse-  
5 ment contracts;

6 (B) regulate the representation of college  
7 athletes with respect to endorsement contracts;  
8 or

9 (C) engage in the certification of individ-  
10 uals for such representation.

11 (d) RIGHT TO TRANSFER.—

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

17 (2) LIMITATION ON TRANSFER PENALTIES.—  
18 Institutions of higher education, intercollegiate ath-  
19 letic associations, and conferences shall allow a col-  
20 lege athlete to transfer from one institution of high-  
21 er education to another without losing grant-in-aid  
22 opportunities or eligibility for intercollegiate athletics  
23 if—

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

4 (B) the transfer does not occur during—

5 (i) the season of the sport of the col-  
6 lege athlete; or

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

9 (3) INDUCEMENTS TO TRANSFER PROHIB-  
10 ITED.—

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

16 (i) conditioned on the college athlete  
17 transferring to a particular institution of  
18 higher education; or

19 (ii) intended to induce the college ath-  
20 lete to transfer to a particular institution  
21 of higher education.

22 (B) CAMPUS TOURS.—Notwithstanding  
23 subparagraph (A), an institution of higher edu-  
24 cation, an intercollegiate athletic association, or  
25 a conference may provide a college athlete with

1 reimbursement for expenses relating to campus  
2 tours or visits.

3 (e) RIGHT TO ENTER PROFESSIONAL SPORTS  
4 DRAFTS.—An institution of higher education, an inter-  
5 collegiate athletic association, or a conference may not  
6 prevent the participation of a college athlete in intercolle-  
7 giate athletics based on the college athlete having entered  
8 into a professional sports draft if the college athlete—

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

11 (2) not later than 7 days after the completion  
12 of the draft, notifies his or her athletic director of  
13 his or her intent to forgo participation in the profes-  
14 sional league.

15 (f) RIGHT TO FULL PARTICIPATION IN INTERCOLLE-  
16 GIATE ATHLETICS COMPETITION.—An institution of high-  
17 er education, an intercollegiate athletic association, a con-  
18 ference, or a State may not maintain or enforce any rule,  
19 requirement, standard, condition, or other limitation that  
20 prevents the full participation of a college athlete in inter-  
21 collegiate athletics competition based on the college athlete  
22 having—

23 (1) entered into an endorsement contract; or

24 (2) obtained representation described in sub-  
25 section (c)(1).

1 (g) ADDITIONAL PROTECTIONS.—An institution of  
2 higher education, an intercollegiate athletic association, or  
3 a conference may not—

4 (1) arrange an endorsement contract on behalf  
5 of a college athlete;

6 (2) impose on college athletes restrictions on  
7 speech that are more stringent than restrictions on  
8 speech imposed on students enrolled at the institu-  
9 tion of higher education who are not college athletes;

10 (3) levy against a college athlete any fine or  
11 other punishment that does not apply equally to  
12 other students enrolled in the institution of higher  
13 education;

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

19 (5) eliminate the funding of an athletic pro-  
20 gram unless all other options for reducing the ex-  
21 penses of the athletic program, including reducing  
22 coach salaries and administrative and facility ex-  
23 penses, are not feasible.

24 **SEC. 4. PENALTIES FOR VIOLATIONS.**

25 (a) INSTITUTIONS OF HIGHER EDUCATION.—



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

5           (A) suspended from working at an institu-  
6 tion of higher education for a period of not less  
7 than 1 year;

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

11           (C) permanently banned from working at  
12 an institution of higher education.

13           (2) INSTITUTIONS.—

14           (A) IN GENERAL.—An institution of higher  
15 education found to be in violation of section 3,  
16 other than paragraph (4) of section 3(g), shall  
17 be assessed a civil penalty that is the greater  
18 of—

19           (i) the amount equal to 15 percent of  
20 the total athletic revenue generated by the  
21 institution of higher education in the pre-  
22 ceding academic year; or

23           (ii) \$200,000.

24           (B) COORDINATION OR COOPERATION.—

25           An institution of higher education found to be

1 in violation of section 3(g)(4) shall be assessed  
2 a civil penalty that is the greater of—

3 (i) the amount equal to 20 percent of  
4 the total athletic revenue generated by the  
5 institution of higher education in the pre-  
6 ceding academic year; or

7 (ii) \$250,000.

8 (b) INTERCOLLEGIATE ATHLETIC ASSOCIATIONS AND  
9 CONFERENCES.—

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

16 (2) INTERCOLLEGIATE ATHLETIC ASSOCIATIONS  
17 AND CONFERENCES.—

18 (A) IN GENERAL.—An intercollegiate ath-  
19 letic association or a conference found to be in  
20 violation of subsection (a), (b), (c), (e), (f), or  
21 (g) of section 3 shall be assessed a civil penalty  
22 of \$250,000.

23 (B) INTERFERENCE WITH RIGHT TO  
24 TRANSFER.—An intercollegiate athletic associa-  
25 tion or a conference found to be in violation of

1 section 3(d) shall be assessed a civil penalty of  
2 \$100,000.

3 (c) RECOMMENDATIONS FOR GREATER PEN-  
4 ALTIES.—The Commission may impose a penalty greater  
5 than a penalty described in this section.

6 **SEC. 5. REVENUE SHARING.**

7 (a) DEFINITIONS.—

8 (1) ATHLETIC GRANT-IN-AID LIMIT.—The term  
9 “athletic grant-in-aid limit” means, with respect to  
10 a particular sport, the maximum number of athletic  
11 grant-in-aid scholarships an institution of higher  
12 education can award to college athletes in the sport,  
13 as prescribed by an intercollegiate athletic associa-  
14 tion.

15 (2) COMMERCIAL SPORTS NIL REVENUE.—

16 (A) IN GENERAL.—The term “commercial  
17 sports NIL revenue”, when used in reference to  
18 an athletic program, means the amount of total  
19 annual revenue generated from the athletic pro-  
20 gram at an institution of higher education.

21 (B) USE OF PREVIOUSLY REPORTED  
22 DATA.—For purposes of subparagraph (A), an  
23 institution of higher education required to sub-  
24 mit an annual report under section 485(g) of  
25 the Higher Education Act of 1965 (20 U.S.C.

1           1092(g)) shall use the amounts described in  
2           paragraph (1)(F) of such section from the most  
3           recent report to determine the commercial  
4           sports NIL revenue for each athletic program.

5           (3) COVERED SPORTS TEAM.—The term “cov-  
6           ered sports team” means an athletic program that  
7           participates in a division or subdivision for which 50  
8           percent of the total commercial sports NIL revenue  
9           of every institution of higher education that partici-  
10          pates in the division or subdivision is greater than  
11          the total amount of grant-in-aid provided by those  
12          institutions of higher education to eligible college  
13          athletes that participate in athletic programs in that  
14          division or subdivision.

15          (4) DIVISION OR SUBDIVISION.—The term “di-  
16          vision or subdivision” means a division or subdivi-  
17          sion, such as the Football Championship Subdivision  
18          or the Football Bowl Subdivision, of a particular  
19          type of athletic program.

20          (5) ELIGIBLE COLLEGE ATHLETE.—The term  
21          “eligible college athlete” means a college athlete that  
22          receives grant-in-aid from the institution of higher  
23          education attended by the college athlete.

24          (b) ROYALTY PAYMENTS.—

1           (1) PAYMENTS TO INTERCOLLEGIATE ATHLETIC  
2 ASSOCIATIONS.—Not later than the first July 15 oc-  
3 ccurring after the date that is 1 year after the date  
4 of enactment of this Act, and annually thereafter, if  
5 an intercollegiate athletic association that has gov-  
6 erning authority over a covered sports team is re-  
7 quired to distribute commercial sports revenue roy-  
8 ties to eligible college athletes that participate in the  
9 division or subdivision of the covered sports team  
10 under paragraph (2), the institution of higher edu-  
11 cation associated with the covered sports team shall  
12 transfer to the intercollegiate athletic association—

13           (A) regardless of whether the institution of  
14 higher education awards any grant-in-aid to col-  
15 lege athletes that participate on the covered  
16 sports team—

17           (i) 50 percent of such commercial  
18 sports NIL revenue; minus

19           (ii) the amount of grant-in-aid the in-  
20 stitution of higher education awards to eli-  
21 gible college athletes that participate on  
22 the covered sports team;

23           (B) if the amount of grant-in-aid that the  
24 institution of higher education awards to eligi-  
25 ble college athletes that participate on the cov-

1           ered sports team is more than 50 percent of the  
2           commercial sports NIL revenue generated by  
3           the covered sports team, the institution of high-  
4           er education shall transfer a percentage of such  
5           commercial sports NIL revenue determined by  
6           the Commission after calculating average con-  
7           tributions made by institutions of higher edu-  
8           cation of a similar size; and

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

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

20                   (A) the total commercial sports NIL rev-  
21           enue received from institutions of higher edu-  
22           cation under paragraph (1) on account of a cov-  
23           ered sports team that participates in the divi-  
24           sion or subdivision; divided by

1 (B) the number of eligible college athletes  
2 that participate in the division during the appli-  
3 cable reporting year.

4 (3) DELIVERY OF ROYALTIES.—An intercolle-  
5 giate athletic association may distribute a commer-  
6 cial sports revenue royalty to an eligible college ath-  
7 lete under this subsection—

8 (A) directly; or

9 (B) upon the request of the eligible college  
10 athlete, through the licensing group of the eligi-  
11 ble college athlete.

12 (c) TRANSPARENCY.—

13 (1) INSTITUTIONS OF HIGHER EDUCATION.—  
14 Not later than the first July 31 occurring after the  
15 date that is 1 year after the date of enactment of  
16 this Act, and annually thereafter, an institution of  
17 higher education shall make public and disclose to  
18 the college athletes of the institution of higher edu-  
19 cation—

20 (A) the commercial sports NIL revenue  
21 generated by each athletic program of the insti-  
22 tution of higher education; and

23 (B) if the institution of higher education  
24 has one or more covered sports teams, the  
25 amount of the commercial sports revenue royal-





1 (A)(i) for college athletes, the out-of-pocket  
2 expenses relating to any sports-related injury;  
3 and

4 (ii) during the 5-year period beginning on  
5 the date on which an individual ceases to be a  
6 college athlete, the out-of-pocket expenses relat-  
7 ing to any sports-related injury or illness suf-  
8 fered by such individual while the individual  
9 was a college athlete;

10 (B) medical expenses for college athletes  
11 and former college athletes diagnosed with cer-  
12 tain sports-related conditions, including chronic  
13 traumatic encephalopathy; and

14 (C) independent medical second opinions  
15 for college athletes.

16 (2) CONTRIBUTIONS.—

17 (A) IN GENERAL.—Not later than July 31  
18 each year, institutions of higher education with  
19 athletic departments shall make contributions  
20 to the Fund as follows:

21 (i) REVENUE UNDER \$20,000,000.—An  
22 institution of higher education the athletic  
23 department of which generated less than  
24 \$20,000,000 in total revenue during the

1 preceding reporting year shall contribute  
2 2.5 percent of such revenue to the Fund.

3 (ii) REVENUE \$20,000,000 OR GREAT-  
4 ER.—An institution of higher education  
5 the athletic department of which generated  
6 \$20,000,000 or more in total revenue dur-  
7 ing the preceding reporting year shall con-  
8 tribute 4 percent of such revenue to the  
9 Fund.

10 (B) PENALTY FOR NONCOMPLIANCE.—

11 (i) IN GENERAL.—An institution of  
12 higher education that fails to make a time-  
13 ly contribution required by subparagraph  
14 (A) shall—

15 (I) make the delinquent contribu-  
16 tion retroactively; and

17 (II) be assessed—

18 (aa) interest on such con-  
19 tribution at a rate of 10 percent  
20 annually; and

21 (bb) a civil penalty that is  
22 the greater of—

23 (AA) for each academic  
24 year concerned, the amount  
25 equal to 20 percent of the

1 total athletic revenue gen-  
2 erated by the institution of  
3 higher education; or

4 (BB) \$200,000.

5 (ii) WAIVER.—In the case of a first  
6 delinquent contribution, the Commission  
7 may waive the applicability of clause (i) on  
8 request by the institution of higher edu-  
9 cation concerned if the institution of high-  
10 er education makes the delinquent pay-  
11 ment not later than August 7 of the year  
12 in which the payment was due.

13 (b) PHYSICAL EXAMINATIONS.—Before the expira-  
14 tion of eligibility for intercollegiate athletics, a college ath-  
15 lete shall be offered the opportunity to undergo a physical  
16 examination for the purpose of diagnosing any sports-re-  
17 lated injury or condition.

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

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

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

3           (2) operate independently from the athletic de-  
4           partment.

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

6           (a) ESTABLISHMENT OF STANDARDS.—

7           (1) IN GENERAL.—Not later than 120 days  
8           after the date of the enactment of this Act, the Sec-  
9           retary of Health and Human Services (referred to in  
10          this subsection as the “Secretary”), acting through  
11          the Director of the Centers for Disease Control and  
12          Prevention, shall establish health, wellness, and safe-  
13          ty guidelines for intercollegiate athletic programs.

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

17                 (A) consult with the Sports Science Insti-  
18                 tute of the National Collegiate Athletic Associa-  
19                 tion; and

20                 (B) consider existing guidelines of relevant  
21                 nonprofit entities, such as the National Colle-  
22                 giate Athletic Association, conferences, profes-  
23                 sional sports leagues, the National Athletic  
24                 Trainers Association, and college athlete advo-  
25                 cacy communities.

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

3           (A) cardiac health;

4           (B) concussion and traumatic brain inju-  
5 ries;

6           (C) illegal performance enhancers and sub-  
7 stance abuse;

8           (D) mental health;

9           (E) nutrition, sleep, and performance;

10          (F) overuse injuries, periodization, and  
11 heat-related illnesses;

12          (G) sexual assault and interpersonal vio-  
13 lence;

14          (H) athletics health care administration;

15          (I) weight and pain management;

16          (J) Rhabdomyolysis;

17          (K) sickle cell trait;

18          (L) asthma; and

19          (M) such other topics as the Secretary de-  
20 termines appropriate.

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

25          (c) PENALTIES.—

1           (1) INDIVIDUALS.—An individual found to be  
2 primarily responsible for noncompliance with a  
3 guideline established under subsection (a)(1), or for  
4 threatening or retaliating against any individual or  
5 entity that reports such noncompliance, shall be sub-  
6 ject to a lifetime ban on involvement with intercolle-  
7 giate athletics.

8           (2) INSTITUTIONS OF HIGHER EDUCATION.—An  
9 institution of higher education found to be in non-  
10 compliance with a guideline established under sub-  
11 section (a)(1) shall be assessed, for each academic  
12 year in which the noncompliance occurred, a civil  
13 penalty in the amount equal to 30 percent of the  
14 total athletic revenue generated by the institution of  
15 higher education.

16 **SEC. 8. COLLEGE ATHLETES' RIGHT TO EDUCATIONAL OUT-**  
17 **COMES.**

18           (a) ENSURING COLLEGE ATHLETES' RIGHT TO EDU-  
19 CATIONAL OUTCOMES.—

20           (1) GUARANTEE OF SCHOLARSHIPS.—

21           (A) IN GENERAL.—Except as provided in  
22 subparagraph (C), an institution of higher edu-  
23 cation that provides an individual with a college  
24 athlete scholarship for an academic year shall  
25 provide the individual with a scholarship de-

1           scribed in subparagraph (B) for each subse-  
2           quent academic year—

3                   (i) in which the individual is enrolled  
4                   at the institution and until the individual  
5                   receives an undergraduate degree from  
6                   such institution; and

7                   (ii) without regard to whether the in-  
8                   dividual is playing an intercollegiate sport  
9                   for the institution during any such subse-  
10                  quent year.

11               (B) AMOUNT.—A scholarship awarded to  
12               an individual for a subsequent year in accord-  
13               ance with subparagraph (A) shall be in an  
14               amount equal to the scholarship provided to the  
15               individual for the preceding year, increased by  
16               the rate of inflation for the preceding year.

17               (C) EXCEPTIONS.—The requirements of  
18               subparagraph (A) shall not apply if an indi-  
19               vidual—

20                   (i) is found by the institution to have  
21                   committed academic fraud or other mis-  
22                   conduct that would ordinarily result in ex-  
23                   pulsion; or

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

4 (D) DEFINITION OF COLLEGE ATHLETE  
5 SCHOLARSHIP.—In this paragraph, the term  
6 “college athlete scholarship” means a scholar-  
7 ship provided by an institution of higher edu-  
8 cation for an academic year to an individual  
9 who has agreed to be a college athlete for the  
10 institution for such academic year.

11 (2) REQUIREMENTS FOR ACADEMIC ADVISING  
12 AND TUTORING.—Any academic advisor or tutoring  
13 services provided to a college athlete by an institu-  
14 tion of higher education shall be independent from  
15 the athletic department of the institution of higher  
16 education.

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

23 (4) NO INTERFERENCE IN  
24 EXTRACURRICULARS.—An individual working for an  
25 athletic department of an institution of higher edu-



1 cation shall not interfere with, or discourage, any  
2 college athlete who wishes to secure employment or  
3 internships, participate in student groups or events,  
4 or serve as a volunteer, as long as such activities do  
5 not interfere with mandatory class time or manda-  
6 tory team activities.

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

12 **SEC. 9. FINANCIAL LITERACY AND LIFE SKILLS DEVELOP-**  
13 **MENT PROGRAM.**

14 (a) IN GENERAL.—Each institution of higher edu-  
15 cation shall—

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

18 (2) require every college athlete enrolled in the  
19 institution of higher education to attend the pro-  
20 gram during the college athlete's first year of en-  
21 gagement in an intercollegiate sport.

22 (b) FINANCIAL LITERACY AND LIFE SKILLS DEVEL-  
23 OPMENT PROGRAM.—

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

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

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

9 (C) include, at a minimum, information re-  
10 garding—

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

13 (ii) time management skills, personal  
14 budgeting, debt, credit, and interest rates.

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

20 **SEC. 10. REPORTING AND ACCOUNTABILITY.**

21 (a) ANNUAL REPORTING BY INSTITUTIONS OF HIGH-  
22 ER EDUCATION.—

23 (1) IN GENERAL.—Not later than 60 days after  
24 the date on which an academic year ends, each insti-  
25 tution of higher education with one or more athletic

1 programs shall submit to the Commission a report  
2 that includes, for the academic year, the following:

3 (A) The revenues and expenditures of each  
4 athletic program, including booster donations  
5 and compensation for athletic program per-  
6 sonnel, disclosed under section 5(c)(1).

7 (B) The average number of hours college  
8 athletes enrolled at the institution of higher  
9 education spent on athletic activities, including  
10 mandatory and voluntary team activities, and  
11 team travel, disaggregated by athletic program.

12 (C) The academic outcomes for college ath-  
13 letes enrolled at the institution of higher edu-  
14 cation, disaggregated by athletic program, race  
15 and ethnicity, and gender.

16 (2) PENALTIES FOR NONCOMPLIANCE.—An in-  
17 stitution of higher education that fails to timely sub-  
18 mit a report under paragraph (1), or intentionally  
19 submits an inaccurate report, as determined by the  
20 Commission, shall be assessed a civil penalty that is  
21 the greater of—

22 (A) the amount equal to 15 percent of the  
23 total athletic revenue generated by the institu-  
24 tion of higher education; or

25 (B) \$200,000.

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

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

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

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

11 (2) To protect the economic interests of college  
12 athletes.

13 (3) To ensure that agents of college athletes  
14 faithfully represent the interests of college athletes.

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

18 (5) To promote the health, wellness, and safety  
19 of college athletes.

20 (b) ORGANIZATION.—

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

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

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

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

11         (c) BOARD OF DIRECTORS.—

12           (1) COMPOSITION.—

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

20           (B) DIVERSITY.—The appointment of  
21           members of the Board shall be coordinated to  
22           ensure diversity among such members.

23           (C) POLITICAL PARTY.—Not more than 5  
24           members of the Board may be appointed from  
25           the same political party.

1 (D) REQUIREMENTS.—

2 (i) IN GENERAL.—Each member ap-  
3 pointed under subparagraph (A) shall have  
4 achieved distinction in his or her respective  
5 professional field.

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

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

16 (II) 1 member shall have exper-  
17 tise in sports, contracts, and publicity  
18 rights law.

19 (III) 1 member shall have exper-  
20 tise in constitutional law with respect  
21 to the freedom of speech.

22 (IV) 1 member shall have exper-  
23 tise in communications.

24 (V) 1 member shall be a certified  
25 public accountant with expertise in

1 corporate financial audits and cor-  
2 porate compliance investigations.

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

5 (VII) 1 member shall have exper-  
6 tise in sports economics.

7 (VIII) 1 member shall have ex-  
8 pertise in civil rights law and compli-  
9 ance with title IX of the Education  
10 Amendments of 1972 (20 U.S.C.  
11 1681 et seq.).

12 (IX) 2 members shall have exper-  
13 tise in health, wellness, and safety in  
14 sports.

15 (E) INDEPENDENCE.—

16 (i) IN GENERAL.—An individual who  
17 is employed by an institution of higher  
18 education, serves on the governing body of  
19 an institution of higher education, or re-  
20 ceives compensation from an athletic pro-  
21 gram of an institution of higher education,  
22 an intercollegiate athletic association, or a  
23 conference, including a commissioner or an  
24 administrator of such an athletic program,  
25 an intercollegiate athletic association, or a

1 conference, may not serve as a member of  
2 the Board.

3 (ii) FORMER COMMISSIONERS AND AD-  
4 MINISTRATORS.—A former commissioner  
5 or administrator of an athletic program of  
6 an institution of higher education, an  
7 intercollegiate athletic association, or a  
8 conference shall not be eligible to serve on  
9 the Board.

10 (2) TERMS; VACANCIES.—

11 (A) TERMS.—A member of the Board shall  
12 be appointed for a term of 5 years, except  
13 that—

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

16 (ii) of the other members first ap-  
17 pointed—

18 (I) 4 members shall be appointed  
19 for a term of 5 years;

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

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

24 (B) VACANCIES.—



1 (i) IN GENERAL.—A vacancy on the  
2 Board shall be filled in the manner in  
3 which the original appointment was made  
4 and shall be subject to any condition that  
5 applied with respect to the original ap-  
6 pointment.

7 (ii) FILLING UNEXPIRED TERM.—An  
8 individual chosen to fill a vacancy shall be  
9 appointed for the unexpired term of the  
10 member replaced.

11 (C) EXPIRATION OF TERMS.—The term of  
12 any member shall not expire before the date on  
13 which the member’s successor takes office.

14 (3) CHAIR.—

15 (A) INITIAL APPOINTMENT.—The first  
16 chair of the Board shall be appointed by the  
17 President.

18 (B) SUBSEQUENT APPOINTMENTS.—Any  
19 subsequent chair of the Board shall be elected  
20 by a majority of the members of the Board.

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

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

3           (6) SALARY.—Each member of the Board shall  
4 be compensated at a rate not to exceed the highest  
5 annual rate of basic pay in effect for a position at  
6 level IV of the Executive Schedule under section  
7 5315 of title 5, United States Code.

8 (d) DUTIES AND AUTHORITY.—

9           (1) ESTABLISHMENT OF STANDARDS.—

10           (A) ENDORSEMENT CONTRACTS.—The  
11 Commission shall establish standards with re-  
12 spect to endorsement contracts.

13           (B) CERTIFICATION OF COLLEGE ATHLETE  
14 AGENTS.—

15           (i) IN GENERAL.—The Commission  
16 shall establish standards with respect to—

17                   (I) registration and annual cer-  
18 tification of—

19                           (aa) college athlete agents;  
20                           and

21                           (bb) agencies and entities  
22                           that represent college athletes;

23                   (II) revocation of such certifi-  
24 cation; and

1 (III) agency fees charged by col-  
2 lege athlete agents.

3 (ii) RECOGNITION OF THE COMMIS-  
4 SION AS COLLEGE ATHLETE AGENT CER-  
5 TIFICATION BODY.—Section 3 of the  
6 Sports Agent Responsibility and Trust Act  
7 (15 U.S.C. 7802) is amended by adding at  
8 the end the following:

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

13 “(1) be recognized as the certification body for  
14 athlete agents; and

15 “(2) have the authority to establish standards  
16 and procedures with respect to the registration and  
17 annual certification of athlete agents.”.

18 (iii) EDUCATIONAL REQUIREMENTS  
19 FOR COLLEGE ATHLETE AGENTS.—The  
20 Commission may not establish a standard  
21 requiring college athlete agents to attain a  
22 bachelor’s degree, an associate’s degree, or  
23 a graduate degree from an institution of  
24 higher education.

1           (C) HEALTH, WELLNESS, AND SAFETY.—  
2           The Commission shall establish standards with  
3           respect to the health, wellness, and safety of  
4           college athletes consistent with the guidelines  
5           established by the Secretary of Health and  
6           Human Services under section 7(a)(1).

7           (D) PURPOSES OF COMMISSION GOV-  
8           ERNING STANDARDS.—In establishing the  
9           standards under this paragraph, the Commis-  
10          sion shall ensure that such standards effectuate  
11          the purposes of the Commission set forth in  
12          subsection (a).

13          (2) DEVELOPMENT OF EDUCATIONAL MATE-  
14          RIALS.—

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

20               (B) DISSEMINATION OF INFORMATION.—  
21               The member of the Board described in sub-  
22               section (c)(1)(D)(ii)(IV) shall be responsible for  
23               disseminating such educational materials.

24          (3) REPORTING MECHANISM.—

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

- 5 (i) instances of improper conduct; and  
6 (ii) noncompliance with guidelines es-  
7 tablished under section 7(a)(1).

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

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

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

23 (4) RESOLUTION OF DISPUTES.—

24 (A) IN GENERAL.—The Commission shall  
25 provide a forum for the swift and equitable res-

1           olution of conflicts relating to endorsement con-  
2           tracts through a dispute resolution process for  
3           college athletes, institutions of higher education,  
4           intercollegiate athletic associations, and con-  
5           ferences.

6                   (B) PROCEDURE.—

7                   (i) IN GENERAL.—With respect to a  
8                   dispute resolution process referred to in  
9                   subparagraph (A), the Commission shall—

10                   (I) provide to applicable individ-  
11                   uals or entities notice and an oppor-  
12                   tunity for a hearing; and

13                   (II) select an arbitrator, who  
14                   shall make a decision on resolution of  
15                   the dispute.

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

20                   (I) review the decision; and

21                   (II) issue a final decision.

22                   (5) ASSESSMENT OF FEES.—

23                   (A) ANNUAL AGENT CERTIFICATION  
24                   FEES.—The Commission may assess an annual  
25                   certification fee for each college athlete agent

1 certified in accordance with the standards es-  
2 tablished under paragraph (1)(B).

3 (B) CERTAIN INTERCOLLEGIATE ATHLETIC  
4 ASSOCIATIONS AND CONFERENCES.—

5 (i) IN GENERAL.—The Commission  
6 may assess fees on intercollegiate athletic  
7 associations and conferences that have an-  
8 nual revenues exceeding \$20,000,000.

9 (ii) REMITTANCE OF FEES.—Inter-  
10 collegiate athletic associations and con-  
11 ferences shall remit such fees to the Com-  
12 mission.

13 (C) COLLECTION.—The Commission may  
14 collect fees under paragraphs (A) and (B) in  
15 accordance with such rules as the Commission  
16 may establish.

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

19 (A) MONITORING.—The Commission shall  
20 monitor and provide publicly available informa-  
21 tion about the compliance with title IX of the  
22 Education Amendments of 1972 (20 U.S.C.  
23 1681 et seq.) (referred to in this paragraph as  
24 “Title IX”) of athletic programs within an in-

1           stitution of higher education that is subject to  
2           Title IX.

3           (B) INVESTIGATIONS.—The Commission  
4           may investigate any action by any such athletic  
5           program that would constitute a violation of  
6           Title IX.

7           (C) REPORTING.—If, in the course of such  
8           an investigation, the Commission becomes  
9           aware of a potential violation of Title IX, the  
10          Commission shall submit to the Office for Civil  
11          Rights of the Department of Education all  
12          proper information in the possession of the  
13          Commission relating to the potential violation.

14          (7) ADDITIONAL DUTIES AND AUTHORITIES.—  
15          The Commission—

16                 (A) shall—

17                         (i) administer the Fund as described  
18                         in section 6(a);

19                         (ii) maintain the database as de-  
20                         scribed in section 10(b);

21                         (iii) issue reports as described in sub-  
22                         section (j);

23                         (iv) conduct audits of athletic pro-  
24                         grams to ensure compliance with this Act



1 and standards established under paragraph  
2 (1);

3 (v) carry out investigations relating to  
4 violations of this Act or any such standard;  
5 and

6 (vi) carry out enforcement actions as  
7 described in section 12(a); and

8 (B) may—

9 (i) establish and maintain offices to  
10 conduct the affairs of the Commission;

11 (ii) hire staff to carry out the duties  
12 described in this section;

13 (iii) enter into contracts;

14 (iv) acquire, own, lease, encumber,  
15 and transfer property as necessary to carry  
16 out such duties;

17 (v) borrow money, issue instruments  
18 of indebtedness, and secure its obligations  
19 by granting security interests in its prop-  
20 erty;

21 (vi) publish a magazine, newsletter,  
22 and other publications consistent with such  
23 duties;

1 (vii) subpoena an individual the testi-  
2 mony of whom may be relevant to such du-  
3 ties; and

4 (viii) carry out any other activity, in-  
5 cluding the issuance of rules, regulations,  
6 and orders, as the Commission considers  
7 necessary and proper to carry out such du-  
8 ties or the purposes set forth in subsection  
9 (a).

10 (e) ADVISORY COUNCILS.—

11 (1) ATHLETE ADVISORY COUNCIL.—

12 (A) ESTABLISHMENT.—There is estab-  
13 lished within the Commission an Athlete Advi-  
14 sory Council to provide advice and expertise to  
15 the Commission.

16 (B) MEMBERSHIP.—The members of the  
17 Athlete Advisory Council shall be selected by  
18 the Board as follows:

19 (i) 50 percent shall be current college  
20 athletes enrolled at institutions of higher  
21 education.

22 (ii) 50 percent shall be former college  
23 athletes who have graduated from institu-  
24 tions of higher education.

1           (2) OTHER ADVISORY COUNCILS.—There are  
2 established within the Commission, for the purpose  
3 of providing advice and expertise to the Commis-  
4 sion—

5                   (A) a Health, Wellness, and Safety Advi-  
6 sory Council;

7                   (B) an Educational Opportunity Advisory  
8 Council; and

9                   (C) a Labor, Gender Equity, and Com-  
10 pensation Advisory Council.

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

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

20           (f) OMBUDSMAN FOR COLLEGE ATHLETES.—

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

25                   (2) DUTIES.—The Ombudsman shall—

1 (A) provide independent advice to college  
2 athletes at no cost with respect to—

3 (i) the provisions of this Act;

4 (ii) the constitution and bylaws of the  
5 Commission; and

6 (iii) the resolution of any dispute re-  
7 lating to the opportunity of a college ath-  
8 lete to enter into an endorsement contract;

9 (B) assist college athletes in the resolution  
10 of any such dispute; and

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

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

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

17 (i) The Athlete Advisory Council shall  
18 provide the chair of the Board with the  
19 name of 1 qualified individual to serve as  
20 Ombudsman.

21 (ii) The chair of the Board shall im-  
22 mediately transmit the name of such indi-  
23 vidual to the Board.

24 (iii) The Board shall hire or not hire  
25 such individual after fully considering the

1           advice and counsel of the Athlete Advisory  
2           Council.

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

7           (C) TERMINATION.—The Commission may  
8           terminate the employment of an individual serv-  
9           ing as Ombudsman only if—

10                   (i) the termination is carried out in  
11                   accordance with the applicable policies and  
12                   procedures of the Commission;

13                   (ii) the termination is initially rec-  
14                   ommended to the Board by—

15                           (I) a majority of the Board; or

16                           (II) a majority of the Athlete Ad-  
17                   visory Council; and

18                   (iii) the Board fully considers the ad-  
19                   vice and counsel of the Athlete Advisory  
20                   Council before deciding whether to termi-  
21                   nate the employment of such individual.

22           (g) RESTRICTIONS.—

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

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

4           (h) HEADQUARTERS, PRINCIPAL OFFICE, AND  
5 MEETINGS.—The Commission shall maintain its principal  
6 office and national headquarters in a location in the  
7 United States decided by the Commission. The Commis-  
8 sion may hold its annual and special meetings in the  
9 places decided by the Commission.

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

16          (j) REPORTS.—Not less frequently than annually, the  
17 Commission shall submit to the Committee on Commerce,  
18 Science, and Transportation of the Senate, the Committee  
19 on Energy and Commerce of the House of Representa-  
20 tives, and the President a report that includes—

21               (1) the number of disputes resolved by the  
22 Commission in the preceding year under subsection  
23 (d)(4), and if applicable, a description of such dis-  
24 pute resolutions;

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

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

7           (4) recommendations for legislative or adminis-  
8 trative action, as the Commission considers appro-  
9 priate.

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

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

18       (m) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
19 authorized to be appropriated to carry out this section  
20 \$50,000,000 for each of fiscal years 2021 and 2022.

21       (n) **EFFECTIVE DATE.**—This section shall take effect  
22 on the date that is 2 years after the date of the enactment  
23 of this Act.

24 **SEC. 12. ENFORCEMENT.**

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

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

5                   (A) levying fines;

6                   (B) imposing penalties, including suspen-  
7 sion of an individual or entity from participa-  
8 tion in intercollegiate athletics competition for a  
9 period determined by the Commission; and

10                  (C) commencing civil actions and seeking  
11 all appropriate legal, equitable, or other relief,  
12 including damages and injunctions.

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

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

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



1 (A) in enforcing any provision of this Act,  
2 the standards and rules established under this  
3 Act, or any other law or regulation; and

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

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

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

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

22 (b) INSTITUTIONS OF HIGHER EDUCATION.—Section  
23 487(a) of the Higher Education Act of 1965 (20 U.S.C.  
24 1094(a)) is amended by adding at the end the following:

25 “(30)(A) The institution will—

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

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

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

13          (d) ACTIONS BY STATE.—

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

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

3 (B) for all appropriate remedies.

4 (2) NOTICE.—

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

12 (i) a written notice of such action or  
13 proceeding; and

14 (ii) a copy of the complaint for such  
15 action or proceeding.

16 (B) CONTENTS OF NOTICE.—The written  
17 notice required by subparagraph (A) shall in-  
18 clude—

19 (i) the identity of the parties;

20 (ii) a description of the alleged facts  
21 underlying the action or proceeding; and

22 (iii) an assessment as to whether  
23 there is a need to coordinate the prosecu-  
24 tion of the action or proceeding so as not  
25 to interfere with any action or proceeding

1           undertaken by the Commission or a Fed-  
2           eral agency.

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

7                   (i) to intervene in the action or pro-  
8                   ceeding;

9                   (ii) upon so intervening—

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

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

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

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

1           (4) **RULE OF CONSTRUCTION.**—Nothing in this  
2 subsection may be construed as altering, limiting, or  
3 affecting the authority of a State attorney general or  
4 any other regulatory or enforcement agency or au-  
5 thority to bring an action or other regulatory pro-  
6 ceeding arising solely under the law in effect in that  
7 State.

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

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

23 **SEC. 13. RULE OF CONSTRUCTION.**

24           Nothing in this Act may be construed to preempt,  
25 modify, limit, or supersede any State law or regulation re-

1 lating to sports agents, attorneys, or other athlete rep-  
2 resentatives.

3 **SEC. 14. SEVERABILITY.**

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

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