

(B) supported by advertisements.
(2) EXCEPTION.—Paragraph (1) shall not apply to—
(A) a minor league team; or
(B) a league with fewer than 8 teams.
(3) ENFORCEMENT.—
(A) ENFORCEMENT BY THE FEDERAL COMMUNICATIONS COMMISSION.—The Federal Communications Commission shall have jurisdiction over complaints alleging a violation of paragraph (1).

(B) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(i) IN GENERAL.—In any case in which an attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in an act or practice that violates this section or a regulation promulgated under this section, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to—

(I) enjoin that act or practice;
(II) enforce compliance with this section or the regulation;

(III) on behalf of residents of the State, obtain damages, restitution, or other compensation, each of which shall be distributed in accordance with State law; or

(IV) obtain such other relief as the court may consider to be appropriate.

(ii) REASONABLE ATTORNEY'S FEES.—In a civil action brought under clause (i) in which the plaintiff prevails, the court may award reasonable attorney's fees, including litigation expenses, and costs reasonably incurred.

SA 6785. Ms. BALDWIN (for herself, Mr. DURBIN, Mr. WELCH, Mr. WHITEHOUSE, Mr. SCHIFF, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 4668, to protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:
SEC. 121. RELATIONSHIP TO EXISTING LAW.

(a) IN GENERAL.—No State or political subdivision of a State may adopt, maintain, enforce, or continue in effect any law, regulation, rule, requirement, or standard that—

(1) directly governs, regulates, or invalidates policies or rules of an institution, a conference, or an intercollegiate athletic association that regulates—

(A) the compensation to a student athlete or prospective student athlete for the use of their name, image, or likeness, except as necessary to comply with this title;

(B) transfers of student athletes between institutions; or

(C) any provision described in subsection (a)(1)–(3) or (b) of section 113 with respect to the eligibility of a student athlete to participate in intercollegiate athletics; or

(2) has the primary purpose and effect of directly governing, regulating, or invalidating policies or rules of an institution, a conference, or an intercollegiate athletic association with respect to anything described in subparagraph (A), (B), or (C) of paragraph (1).

(b) PRESERVATION OF STATE LAWS.—Subject to subsection (a), nothing in this Act shall preempt any State law, regulation, rule, requirement, or standard with respect to the following:

- (1) Uniform Athlete Agent Acts.
- (2) Civil rights laws.

- (3) Tort law.
- (4) Criminal law.
- (5) Laws that relate to student or campus safety.
- (6) Fraud.
- (7) Privacy or data breach.
- (8) Contract law.
- (9) Trademark law.
- (10) Copyright law.
- (11) Consumer protection law.
- (12) Personal injury, including psychological injury.
- (13) Wrongful death.
- (14) Property damage.
- (15) Sexual assault.
- (16) Injury.
- (17) Harassment.

(18) Any cause of action derivative of any of paragraphs (12) through (17).

(c) RULES OF CONSTRUCTION.—

(1) ANTITRUST LAWS.—To the extent liability for violations of the antitrust laws is not limited by this title, subsection (a) shall not be construed to preempt, displace, or supplant the antitrust laws.

(2) FEDERAL TRADEMARK AND COPYRIGHT LAW.—Nothing in this title or the amendments made by this title may be construed to override, modify, or amend the applicability of Federal trademark or copyright law.

SA 6786. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 4668, to protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2. PROHIBITION ON PARTICIPATION WITH PRIVATE EQUITY FIRMS.

(a) DEFINITIONS.—In this section:

(1) COVERED FIRM.—The term “covered firm” means an entity that would be considered an investment company under section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3) but for the application of paragraph (1) or (7) of subsection (c) of such section 3.

(2) INSTITUTION; INTERCOLLEGIATE ATHLETIC COMPETITION; STUDENT ATHLETE.—The terms “institution”, “intercollegiate athletic competition”, and “student athlete” have the meanings given those terms in section 8 of the Sports Broadcasting Act of 1961, as redesignated by section 201(b)(1) of this Act.

(b) PROHIBITION.—Notwithstanding any other provision of this title, or any amendment made by this title, an institution may not participate with a covered firm in any capacity with respect to—

(1) the sale, licensing, or other conveyance of media rights for intercollegiate athletic competitions; or

(2) the operation of an intercollegiate sports program at the institution, including with respect to coaching, recruiting, scheduling, or the support of student athletes.

SA 6787. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 4668, to protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes; which was ordered to lie on the table; as follows:

In section 125(c)(4), strike “4” and insert “9”.

SA 6788. Mr. MERKLEY submitted an amendment intended to be proposed by

him to the bill S. 4668, to protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes; which was ordered to lie on the table; as follows:

In section 119, strike subsection (c) and insert the following:

(c) RELIEF.—In a civil action brought under subsection (a) in which the plaintiff prevails, the court may award the plaintiff—

(1) threefold the damages sustained by the plaintiff;

(2) the costs to the plaintiff of bringing the civil action, including a reasonable attorney's fee; and

(3) any other relief, including equitable relief or declaratory relief, that the court determines appropriate.

SA 6789. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 4668, to protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes; which was ordered to lie on the table; as follows:

In title III, strike section 306(4) and all that follows through the end of the title and insert the following:

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a part B institution;

(B) an institution or program listed under section 326(e)(1) of the Higher Education Act of 1965 (20 U.S.C. 1063b(e)(1)); or

(C) any other institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) HBCU ATHLETIC CONFERENCE.—The term “HBCU athletic conference” means a conference the membership of which consists predominantly of part B institutions.

(6) INTERCOLLEGIATE ATHLETIC ASSOCIATION; CONFERENCE.—The terms “intercollegiate athletic association” and “conference” have the meanings given those terms in section 100 of this Act.

(7) PART B INSTITUTION.—The term “Part B institution” has the meaning given the term in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(8) SECRETARY.—The term “Secretary” means the Secretary of Education.

(9) STATE.—The term “State” has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$360,000,000 for each of fiscal years 2027 through 2032.

SA 6790. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 4668, to protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes; which was ordered to lie on the table; as follows:

In section 118(a), strike paragraphs (1) and (2) and insert the following:

(1) section 114, except, if the covered settlement agreement (as defined in section 115(g)) expires or terminates but no joint resolution of approval relating to the notice of that expiration or termination is enacted into law during the applicable congressional approval period under section 115, the provisions relating to the revenue share cap and the retention fund;

(2) section 115 only to the extent that—

(A) the covered settlement agreement (as so defined) is still in effect; or

(B) a joint resolution of approval relating to notice of the expiration or termination of the covered settlement agreement (as so defined) is enacted into law under that section during the applicable congressional approval period;

SA 6791. Mr. CRAPO (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4784, to authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Bring Our Heroes Home Act

SEC. 1094. SHORT TITLE.

This subtitle may be cited as the “Bring Our Heroes Home Act”.

SEC. 1095. DEFINITIONS.

In this subtitle:

(1) **ARCHIVIST.**—The term “Archivist” means the Archivist of the United States.

(2) **COLLECTION.**—The term “Collection” means the Missing Armed Forces and Civilian Personnel Records Collection established under section 1096(a).

(3) **EXECUTIVE AGENCY.**—The term “Executive agency” —

(A) means an agency, as defined in section 552(f) of title 5, United States Code;

(B) includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Federal Government, including the Executive Office of the President, any branch of the Armed Forces, and any independent regulatory agency; and

(C) does not include any non-appropriated agency, department, corporation, or establishment.

(4) **EXECUTIVE DIRECTOR.**—The term “Executive Director” means the Executive Director of the Review Board.

(5) **GOVERNMENT OFFICE.**—The term “Government office” means an Executive agency, the Library of Congress, or the National Archives.

(6) **MISSING ARMED FORCES AND CIVILIAN PERSONNEL.**—The term “missing Armed Forces and civilian personnel” —

(A) means 1 or more missing persons; and

(B) includes an individual who was a missing person and whose status was later changed to “missing and presumed dead”.

(7) **MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORD.**—The term “missing Armed Forces and civilian personnel record” means a record that relates, directly or indirectly, to the loss, fate, or status of missing Armed Forces and civilian personnel that—

(A) was created or made available for use by, obtained by, or otherwise came into the custody, possession, or control of—

(i) any Government office;

(ii) any Presidential library; or

(iii) any of the Armed Forces; and

(B) relates to 1 or more missing Armed Forces and civilian personnel who became missing persons during the period—

(i) beginning on December 7, 1941; and

(ii) ending on the date of enactment of this Act.

(8) **MISSING PERSON.**—The term “missing person” means—

(A) a person described in paragraph (1) of section 1513 of title 10, United States Code; and

(B) any other civilian employee of the Federal Government or an employee of a contractor of the Federal Government who serves in direct support of, or accompanies, the Armed Forces in the field under orders and who is in a missing status (as that term is defined in paragraph (2) of such section 1513).

(9) **NATIONAL ARCHIVES.**—The term “National Archives” —

(A) means the National Archives and Records Administration; and

(B) includes any component of the National Archives and Records Administration (including Presidential archival depositories established under section 2112 of title 44, United States Code).

(10) **OFFICIAL INVESTIGATION.**—The term “official investigation” means a review, briefing, inquiry, or hearing relating to missing Armed Forces and civilian personnel conducted by a Presidential commission, committee of Congress, or agency, regardless of whether it is conducted independently, at the request of any Presidential commission or committee of Congress, or at the request of any official of the Federal Government.

(11) **ORIGINATING BODY.**—The term “originating body” means the Government office or other initial source that created a record or particular information within a record.

(12) **PUBLIC INTEREST.**—The term “public interest” means the compelling interest in the prompt public disclosure of missing Armed Forces and civilian personnel records for historical and governmental purposes, for public research, and for the purpose of fully informing the people of the United States, most importantly families of missing Armed Forces and civilian personnel, about the fate of the missing Armed Forces and civilian personnel and the process by which the Federal Government has sought to account for them.

(13) **RECORD.**—The term “record” has the meaning given the term “records” in section 3301 of title 44, United States Code.

(14) **REVIEW BOARD.**—The term “Review Board” means the Missing Armed Forces and Civilian Personnel Records Review Board established under section 1099.

SEC. 1096. MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS COLLECTION AT THE NATIONAL ARCHIVES.

(a) **ESTABLISHMENT OF COLLECTION.**—Not later than 90 days after a quorum of the Review Board has been established under section 1099, the Archivist shall—

(1) commence establishment of a collection of records to be known as the “Missing Armed Forces and Civilian Personnel Records Collection”;

(2) commence preparing the subject guidebook and index to the Collection; and

(3) establish criteria and acceptable formats for Executive agencies to follow when transmitting copies of missing Armed Forces and civilian personnel records to the Archivist, to include required metadata, including applicable information privacy safeguards.

(b) **REGULATIONS.**—Not later than 90 days after the date of the swearing in of the Review Board members, the Review Board shall promulgate rules to establish guidelines and processes for the disclosure of records contained in the Collection, including applicable information privacy safeguards.

(c) **OVERSIGHT.**—

(1) **SENATE.**—The Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing jurisdiction, including legislative oversight jurisdiction, in the Senate with respect to the Collection.

(2) **HOUSE OF REPRESENTATIVES.**—The Committee on Oversight and Government Reform

of the House of Representatives shall have continuing jurisdiction, including legislative oversight jurisdiction, in the House of Representatives with respect to the Collection.

SEC. 1097. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF MISSING ARMED FORCES AND CIVILIAN PERSONNEL RECORDS BY GOVERNMENT OFFICES.

(a) **IN GENERAL.**—

(1) **PREPARATION.**—As soon as practicable after the date of enactment of this Act, and sufficiently in advance of the deadlines established under this subtitle, each Government office shall—

(A) identify and locate any missing Armed Forces and civilian personnel records in the custody, possession, or control of the Government office, including intelligence reports, congressional inquiries, memoranda to or from the White House and other Federal departments and agencies, Prisoner of War debriefings, live sighting reports, and documents relating to Prisoner of War camps, movement of Prisoners of War, exploitation of Prisoners of War, experimentation on Prisoners of War, or status changes from Missing in Action to Killed in Action; and

(B) prepare for transmission to the Archivist in accordance with the criteria and acceptable formats established by the Archivist a copy of any missing Armed Forces and civilian personnel records.

(2) **CERTIFICATION.**—Each Government office shall submit to the Archivist, under penalty of perjury, a certification indicating—

(A) whether the Government office has conducted a thorough search for all missing Armed Forces and civilian personnel records in the custody, possession, or control of the Government office; and

(B) whether a copy of any missing Armed Forces and civilian personnel record in the custody, possession, or control of the Government office has not been transmitted to the Archivist.

(3) **PRESERVATION.**—No missing Armed Forces and civilian personnel record shall be destroyed, altered, or mutilated in any way.

(4) **EFFECT OF PREVIOUS DISCLOSURE.**—Information that was made available or disclosed to the public before the date of enactment of this Act in a missing Armed Forces and civilian personnel record may not be withheld, redacted, postponed for public disclosure, or reclassified.

(5) **WITHHELD AND SUBSTANTIALLY REDACTED RECORDS.**—

(A) **IN GENERAL.**—For any missing Armed Forces and civilian personnel record that is transmitted to the Archivist which a Government office proposes to substantially redact or withhold in full from public access, the head of the Government office shall submit an unclassified and publicly releasable report to the Archivist, the Review Board, and each committee of the Senate or the House of Representatives with jurisdiction of a program, project, or activity of the Government office justifying the decision of the Government office to substantially redact or withhold the record by demonstrating that the release of information would clearly and demonstrably be expected to cause an articulated harm, and that the harm would be of such gravity as to outweigh the public interest in access to the information.

(B) **RULEMAKING.**—The Archivist shall promulgate regulations to define the term “substantially redacted record” for purposes of subparagraph (A).

(b) **REVIEW.**—

(1) **IN GENERAL.**—Except as provided under paragraph (5), not later than 270 days after a quorum of the Review Board has been established under section 1099, each Government office shall, in accordance with the criteria