119TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPT. 119–270
Part 2

STUDENT COMPENSATION AND OPPORTUNITY THROUGH RIGHTS AND ENDORSEMENTS ACT

SEPTEMBER 11, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WALBERG, from the Committee on Education and Workforce, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4312]

The Committee on Education and Workforce, to whom was referred the bill (H.R. 4312) to protect the name, image, and likeness rights of student athletes and to promote fair competition with respect to intercollegiate athletics, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Compensation and Opportunity through Rights and Endorsements Act" or the "SCORE Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENT.—The term "agent" means an individual who receives compensation to represent a student athlete with respect to—

(A) a name, image, and likeness agreement; or

(B) another agreement for compensation related to the participation of such student athlete on a varsity sports team.

(2) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given such term in the 1st section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(3) ASSOCIATED ENTITY OR INDIVIDUAL.—The term "associated entity or individual" means, with respect to an institution, each of the following:

(A) An entity that is known or should be known to the employees of the athletic department of such institution to exist, in significant part, for the purpose of—

(i) promoting or supporting the varsity sports teams or student athletes of such institution; or

(ii) creating or identifying opportunities relating to name, image, and likeness agreements solely for the student athletes of such institution.

(B) An individual who is or has been a member, employee, director, officer, owner, or other representative of an entity described in subparagraph (A).

(C) An individual who directly or indirectly (including through contributions by an entity affiliated with such individual or an immediate family member of such individual) has contributed more than $50,000 (as adjusted on July 1 each year by the percentage increase (if any), during the preceding 12-month period, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics) over the lifetime of the individual to the athletic programs of such institution or to an entity described in subparagraph (A).

(D) An individual or entity who—

(i) is directed or requested by the employees of the athletic department of such institution to assist in the recruitment or retention of prospective student athletes or student athletes, respectively; or

(ii) otherwise assists in such recruitment or retention.

(E) Any entity (other than a publicly traded corporation) owned, controlled, operated by, or otherwise affiliated with an individual or entity described in subparagraph (A), (B), (C), or (D).

(4) COLLEGE SPORTS REVENUE.—The term "college sports revenue" means any revenue (without regard to ownership or legal title to such revenue) received by an institution with respect to intercollegiate athletics—

(A) from the sale of admission to intercollegiate athletic competitions or any other event involving a varsity sports team, including actual monetary revenue received by or for the benefit of such institution for a suite license (unless such suite license is associated with philanthropy or any purpose not related to intercollegiate athletic competitions, including a concert);

(B) from participation by the varsity sports teams of such institution in intercollegiate athletic competitions held at other institutions, including payments received due to cancellations of such intercollegiate athletic competitions;

(C) for radio, television, internet, digital, and e-commerce rights, including revenue relating to media rights distributed by a conference to members of the conference, if applicable;

(D) from an interstate intercollegiate athletic association, including any grant, distribution of revenue, reimbursement relating to travel with respect to a championship of such interstate intercollegiate athletic association, and payment for hosting such a championship;

(E) generated by a post-season football bowl, including any distribution of revenue by a conference to members of the conference and any other payment related to the participation of such institution in such post-season football bowl, including for ticket sales and reimbursement of expenses;

(F) from a conference, other than any revenue otherwise described in this paragraph;

(G) for sponsorships, licensing agreements, advertisements, royalties, and in-kind products and services as part of a sponsorship agreement; or

(H) relating to any additional form of revenue, including fundraising, an interstate intercollegiate athletic association uses with respect to the pool limit of such interstate intercollegiate athletic association.

(5) COMPENSATION.—The term "compensation"—

(A) means, with respect to a student athlete or a prospective student athlete, any form of payment or remuneration, whether provided through cash, benefits, awards, or any other means, including payments for—

(i) licenses relating to, or the use of, name, image, and likeness rights; or

(ii) licenses relating to, or the use of, any other Federal or State intellectual or intangible property right; and

(B) does not include—

(i) grants-in-aid;

(ii) Federal Pell Grants and other Federal or State grants unrelated to and not awarded with regard to participation in intercollegiate athletics;

(iii) health insurance and payments for the costs of health care, including health insurance and payments for the costs of health care wholly or partly self-funded by an institution, conference, or interstate intercollegiate athletic association;

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

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

(vi) payment of hourly wages and benefits for work actually performed (and not for participation in intercollegiate athletics) at a rate commensurate with the going rate in the locality of an institution for similar work;

(vii) academic awards paid to student athletes by institutions;

(viii) provision of financial literacy or tax education resources and guidance; or

(ix) any program to connect student athletes with employers and facilitate employment opportunities, if—

(I) the financial terms of such employment opportunities are consistent with the terms offered to similarly situated employees who are not student athletes; and

(II) such program is not used to induce a student athlete to attend a particular institution.

(6) CONFERENCE.—The term "conference" means an entity that—

(A) has as members 2 or more institutions;

(B) arranges regular season intercollegiate athletic competitions and championships for such members; and

(C) sets rules with respect to such intercollegiate athletic competitions and championships.

(7) COST OF ATTENDANCE.—The term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(8) GRANT-IN-AID.—The term "grant-in-aid" means a scholarship, grant, stipend, or other form of financial assistance, including the provision of tuition, room, board, books, or funds for fees or personal expenses, that—

(A) is paid or provided by an institution to a student for the undergraduate or graduate course of study of the student; and

(B) is in an amount that does not exceed the cost of attendance at the institution for such student.

(9) IMAGE.—The term "image" means, with respect to a student athlete, a picture or a video that identifies, is linked to, or is reasonably linkable to such student athlete.

(10) INSTITUTION.—The term "institution" has the meaning given the term "institution of higher education" in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(11) INTERCOLLEGIATE ATHLETIC COMPETITION.—The term "intercollegiate athletic competition" means any contest, game, meet, match, tournament, regatta, or other event in which varsity sports teams of more than 1 institution compete.

(12) INTERCOLLEGIATE ATHLETICS.—The term "intercollegiate athletics"—

(A) means the varsity sports teams for which the length of time a student athlete is eligible to participate and the academic standards for participation are established by a conference or an interstate intercollegiate athletic association; and

(B) does not include any recreational, intramural, or club teams.

(13) INTERSTATE INTERCOLLEGIATE ATHLETIC ASSOCIATION.—The term "interstate intercollegiate athletic association" means—

(A) any entity that—

(i) sets common rules, standards, procedures, or guidelines for the administration and regulation of varsity sports teams and intercollegiate athletic competitions;

(ii) is composed of 2 or more institutions or conferences located in more than 1 State; and

(iii) has rules or bylaws prohibiting the provision of prohibited compensation to student athletes and prospective student athletes; and

(B) does not include any entity affiliated with professional athletic competitions.

(14) LIKENESS.—The term "likeness" means, with respect to a student athlete, a physical or digital depiction or representation that identifies, is linked to, or is reasonably linkable to such student athlete.

(15) NAME.—The term "name" means, with respect to a student athlete, the first, middle, or last name, or the nickname or former name, of such student athlete if used in a context that identifies, is linked to, or is reasonably linkable to such student athlete.

(16) NAME, IMAGE, AND LIKENESS AGREEMENT.—The term "name, image, and likeness agreement" means a contract or similar agreement under which a student athlete licenses or authorizes, or a contract or similar agreement that otherwise is in relation to, the commercial use of the name, image, or likeness of the student athlete.

(17) NAME, IMAGE, AND LIKENESS RIGHTS.—The term "name, image, and likeness rights" means rights recognized under Federal or State law that allow an individual to control and profit from the commercial use of the name, image, and likeness of such individual, including all rights commonly referred to as "publicity rights".

(18) POOL LIMIT.—The term "pool limit" means a dollar amount based on college sports revenue that—

(A) is calculated and published by an interstate intercollegiate athletic association pursuant to the rules the interstate intercollegiate athletic association establishes under section 6; and

(B) serves as the annual maximum amount that an institution that is a member of such interstate intercollegiate athletic association may provide, in total, to student athletes of such institution, including in the form of a name, image, and likeness agreement or direct payment.

(19) PROHIBITED COMPENSATION.—The term "prohibited compensation" means—

(A) compensation (including an agreement for compensation) to a student athlete from an associated entity or individual of the institution at which the student athlete is enrolled (or to a prospective student athlete from an associated entity or individual of an institution for which the prospective student athlete is being recruited) for any license or use of the name, image, and likeness rights of such student athlete or prospective student athlete (or any other license or use), unless the license or use is for a valid business purpose related to the promotion or endorsement of goods or services provided to the general public for profit, with compensation at rates and terms commensurate with compensation paid to individuals with name, image, and likeness rights of comparable value who are not student athletes or prospective student athletes with respect to such institution; and

(B) compensation to a student athlete (or a prospective student athlete) if such compensation is paid by or on behalf of the institution at which the student athlete is enrolled (or for which the prospective student athlete is being recruited) and results in the exceeding of the pool limit established by the interstate intercollegiate athletic association of which such institution is a member.

(20) PROSPECTIVE STUDENT ATHLETE.—The term "prospective student athlete" means an individual who is solicited to enroll at an institution by, or at the direction of, an employee or an associated entity or individual of the institution in order for such individual to participate in a varsity sports team of such institution.

(21) STATE.—The term "State" means each State of the United States, the District of Columbia, and each commonwealth, territory, or possession of the United States.

(22) STUDENT ATHLETE.—The term "student athlete" means an individual who—

(A) is enrolled or has agreed to enroll at an institution; and

(B) participates in a varsity sports team of such institution.

(23) VARSITY SPORTS TEAM.—The term "varsity sports team" means an entity composed of an individual or group of individuals enrolled at an institution that is organized by such institution for the purpose of participation in intercollegiate athletic competitions.

SEC. 3. PROTECTION OF NAME, IMAGE, AND LIKENESS RIGHTS OF STUDENT ATHLETES.

(a) RIGHT TO ENTER INTO NAME, IMAGE, AND LIKENESS AGREEMENTS.—

(1) IN GENERAL.—No institution, conference, or interstate intercollegiate athletic association may restrict the ability of a student athlete to enter into a name, image, and likeness agreement.

(2) EXCEPTIONS.—

(A) PROHIBITED COMPENSATION.—Paragraph (1) does not apply with respect to a name, image, and likeness agreement to the extent such agreement provides prohibited compensation.

(B) CODES OF CONDUCT AND CONFLICTING AGREEMENTS.—Notwithstanding paragraph (1), an institution may restrict the ability of a student athlete of such institution (including a prospective student athlete who has agreed to attend such institution) to enter into a name, image, and likeness agreement that—

(i) violates the code of conduct of such institution; or

(ii) conflicts with the terms of a contract or similar agreement to which such institution is a party.

(b) RIGHT TO REPRESENTATION.—Except as provided by this Act, no institution, conference, or interstate intercollegiate athletic association may restrict the ability of a student athlete to obtain an agent.

(c) RIGHT TO PRIVACY.—Except as provided by this Act, no institution, conference, or interstate intercollegiate athletic association may release information with respect to a name, image, and likeness agreement without the express written consent of any student athlete who is a party to such agreement.

(d) RIGHT TO TRANSPARENT AGREEMENTS.—A name, image, and likeness agreement under which a student athlete is provided compensation in an amount greater than $600 shall be considered void from the inception of such agreement if such agreement does not satisfy the following:

(1) The agreement is in writing.

(2) The agreement contains the following:

(A) A description of any services to be rendered under the agreement.

(B) The names of the parties to the agreement.

(C) The term of the agreement.

(D) The amount of compensation to be provided to the student athlete under the agreement.

(E) A provision specifying the circumstances or events under which the agreement may be terminated due to non-performance of obligations by the student athlete.

(F) A provision specifying that the student athlete may terminate the agreement, notwithstanding any other term described in the agreement, beginning on the date that is 6 months after the date on which the student athlete is no longer enrolled at any institution.

(G) The signature of the student athlete or, if the student athlete is under the age of 18 years, the signature of the parent or guardian of the student athlete.

(e) ACTIONS BY STATES.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of such State has been or is threatened or adversely affected by an act or practice in violation of this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate State court or an appropriate district court of the United States to—

(1) enjoin such act or practice;

(2) enforce compliance with this section;

(3) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(4) obtain such other legal and equitable relief as the court may consider to be appropriate.

SEC. 4. SPORTS AGENT RESPONSIBILITY AND TRUST ACT.

The Sports Agent Responsibility and Trust Act (15 U.S.C. 7801 et seq.) is amended—

(1) in section 3(b)(3), by striking "Warning to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future you may lose your eligibility to compete as a student athlete in your sport." and inserting "Notice to Student Athlete:"; and

(2) by adding at the end the following:

"SEC. 9. DISCLOSURE AND CONSENT RELATING TO NAME, IMAGE, AND LIKENESS AGREEMENTS.

"(a) IN GENERAL.—An athlete agent who assists a student athlete with an endorsement contract shall disclose in writing to the student athlete—

"(1) whether the athlete agent is registered with an interstate intercollegiate athletic association (as defined in section 2 of the SCORE Act); and

"(2) if the athlete agent is registered with an interstate intercollegiate athletic association, whether the athlete agent is registered with the interstate intercollegiate athletic association that has as a member the institution (as defined in section 2 of the SCORE Act) at which the student athlete is enrolled.

"(b) CONSENT.—In the case of an athlete agent who is not registered with an interstate intercollegiate athletic association, the athlete agent may only assist a

student athlete with an endorsement contract if the student athlete (or, in the case of a student athlete who is under 18 years of age, the parent or guardian of the student athlete) provides to the athlete agent written consent for such assistance after receiving the disclosure under subsection (a).

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—If 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 athlete agent in a practice that violates this section, the attorney general may bring a civil action pursuant to section 5 in the same manner as the attorney general may bring a civil action with respect to a violation of section 3.

"(2) SOLE AUTHORITY.—No individual or entity other than an attorney general of a State may enforce this section.

"(3) NO FEDERAL NOTICE NECESSARY.—Subsections (a)(2), (b), and (d) of section 5 do not apply to an action brought by an attorney general of a State pursuant to this subsection.".

SEC. 5. REQUIREMENTS APPLICABLE TO CERTAIN INSTITUTIONS.

(a) REQUIREMENTS.—An institution described in subsection (c) shall—

(1) provide comprehensive academic support and career counseling services to student athletes that include life skills development programs with respect to—

(A) mental health, including alcohol and substance abuse;

(B) strength and conditioning;

(C) nutrition;

(D) name, image, and likeness rights;

(E) access to legal and tax services provided by entities other than an institution;

(F) financial literacy;

(G) career readiness and counseling;

(H) the process for transferring between institutions; and

(I) sexual violence prevention and consequences;

(2) provide medical and health benefits to student athletes that include—

(A) medical care, including payment of out-of-pocket expenses, for an injury of a student athlete incurred during the involvement of such student athlete in intercollegiate athletics for such institution that is available to such student athlete during the period of enrollment of such student athlete with such institution and a period of at least 3 years following graduation or separation from such institution (unless such separation is due to violation of a code of conduct);

(B) mental health services and support, including mental health educational materials and resources;

(C) an administrative structure that provides independent medical care, including with respect to decisions regarding return to play; and

(D) a certification of insurance coverage for medical expenses resulting from injuries of student athletes incurred during the involvement of such student athletes in intercollegiate athletics for such institution;

(3) maintain a grant-in-aid provided to a student athlete in relation to the involvement of such student athlete in intercollegiate athletics during the period of that grant-in-aid for such institution without regard to—

(A) athletic performance;

(B) contribution to team success;

(C) injury, illness, or physical or mental condition; or

(D) receipt of compensation pursuant to a name, image, and likeness agreement;

(4) provide degree completion assistance—

(A) for each former student athlete of such institution—

(i) who received a grant-in-aid from such institution;

(ii) who was a student athlete at such institution on or after the date of enactment of this Act and who ceased participating as a student athlete for a reason other than a reason described in clause (i) or (ii) of subparagraph (D);

(iii) who has not received a bachelor's degree (or an equivalent degree) from any institution; and

(iv) for whom such institution is the last institution such former student athlete attended;

(B) that makes available to such former student athlete, for the period described in subparagraph (C) and subject to subparagraph (D), financial aid in an annual amount that is equal to the average annual grant-in-aid

provided to such former student athlete during the period that such former student athlete was a student athlete at such institution;

(C) for the period beginning on the last date of the final period of enrollment during which such former student athlete was a student athlete at such institution and ending on the date that such former student athlete completes a bachelor's degree (or an equivalent degree), not to exceed 7 years; and

(D) that prohibits a former student athlete from receiving the financial aid described in subparagraph (B) if such former student athlete—

(i) fails to meet the institution's academic progress requirements for the degree program; or

(ii) violates the institution's code of conduct; and

(5) establish, not later than July 1, 2027, and thereafter maintain, at least 16 varsity sports teams and, if a recipient of Federal financial assistance, establish and maintain such teams in accordance with section 106.41(c) of title 34, Code of Federal Regulations (or successor regulations).

(b) COLLABORATION.—An institution may carry out subsection (a) in conjunction with a conference or interstate intercollegiate athletic association.

(c) APPLICABILITY.—An institution is described in this subsection if such institution reports (as required under section 485(g) of the Higher Education Act of 1965 (20 U.S.C. 1092(g))) having generated not less than $20,000,000 (as adjusted on July 1 each year by the percentage increase (if any), during the preceding 12-month period, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics) in total revenue derived by the institution from the institution's intercollegiate athletics activities during the preceding academic year, as determined in accordance with paragraph (1)(I) of section 485(g) of the Higher Education Act of 1965 (20 U.S.C. 1092(g)), as amended by this Act.

(d) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

"(30) In the case of an institution described in subsection (c) of section 5 of the SCORE Act, the institution will comply with subsection (a) of such section.".

SEC. 6. ROLES OF INTERSTATE INTERCOLLEGIATE ATHLETIC ASSOCIATIONS.

(a) AUTHORITY TO ESTABLISH RULES.—An interstate intercollegiate athletic association is authorized to establish and enforce rules with respect to—

(1) requiring a student athlete or prospective student athlete to disclose, in a timely manner, the terms of a name, image, and likeness agreement entered into by such student athlete;

(2) establishing and implementing a process to collect and publicly share aggregated and anonymized data related to the name, image, and likeness agreements of student athletes (without regard to whether such an agreement includes an institution as a party to the agreement);

(3) prohibited compensation, including processes for dispute resolution and penalties, if such rules provide that a student athlete does not lose eligibility to compete in intercollegiate athletic competitions while a process for dispute resolution is ongoing;

(4) setting parameters for the manner in which and the time period during which student athletes and prospective student athletes may be recruited for intercollegiate athletics;

(5) calculating a pool limit, if such rules provide that such pool limit is at least 22 percent of the average annual college sports revenue of the 70 highest earning (with respect to such revenue) member institutions of such interstate intercollegiate athletic association (or, if such interstate intercollegiate athletic association has fewer than 70 members, the average annual college sports revenue of all members), and monitoring payments of compensation related to such pool limit;

(6) setting parameters for the manner in which a student athlete may transfer between institutions, if such rules provide that—

(A) on at least 1 occasion each student athlete may transfer between institutions and be immediately eligible to participate on a varsity sports team of the institution to which the student athlete transfers (if academically eligible to participate); and

(B) an institution to which a student athlete is transferring or is considering transferring shall provide to such student athlete, at the request of such student athlete, in writing and at a reasonable time prior to completion of the transfer, a notice of the previously earned academic credits of such student athlete that such institution will accept, including with respect to the program of study of such student athlete;

(7) the length of time a student athlete is eligible to participate in intercollegiate athletics and the academic standards to be eligible to participate in intercollegiate athletics;

(8) establishing and implementing a process, including a database, with respect to agent registration, including—

(A) setting qualifications to be registered as an agent;

(B) setting parameters for the ability of member institutions to negotiate with agents who are not registered under such process; and

(C) limiting the amount of the compensation under a name, image, and likeness agreement between a student athlete and an institution that may be provided to the agent of such student athlete to not more than 5 percent of such compensation;

(9) the membership of, and participation in, such interstate intercollegiate athletic association (including any championships administered by such interstate intercollegiate athletic association), under which such interstate intercollegiate athletic association may establish membership qualifications, remove members, and otherwise regulate participation; and

(10) intercollegiate athletic competitions and playing seasons, including rules with respect to season length, maximum number of contests, and student athlete time demands (whether during a playing season or outside of such season).

(b) REQUIREMENTS.—

(1) AUTHORITY CONDITIONED ON COMPLIANCE.—An interstate intercollegiate athletic association is only authorized to establish and enforce rules under subsection (a) if such interstate intercollegiate athletic association is in compliance with this subsection and section 3.

(2) GOVERNANCE STRUCTURE.—An interstate intercollegiate athletic association (except for an interstate intercollegiate athletic association that is also a conference) shall carry out the following:

(A) Ensure that the membership of any board, committee, or other similar body of such interstate intercollegiate athletic association, if tasked with a decision-making role (including a decision-making role with respect to establishing or enforcing a rule under section 6(a)), satisfies the following:

(i) Not less than 20 percent of the members of the board, committee, or body are individuals who are student athletes or were student athletes at any point during the preceding 10-year period, with—

(I) men and women equally represented with respect to such individuals; and

(II) each such individual participating in or having participated in a different sport.

(ii) Not less than 30 percent of the members of the board, committee, or body represent institutions that are not among the 70 highest earning member institutions of such interstate intercollegiate athletic association with respect to annual college sports revenue.

(B) Establish a council to serve as the primary deliberative body of the interstate intercollegiate athletic association and that is—

(i) responsible for developing proposals with respect to policy; and

(ii) composed of individuals who represent each conference that is a member of such interstate intercollegiate athletic association.

SEC. 7. TITLE IX.

Nothing in this Act, or the amendments made by this Act, may be construed to limit or otherwise affect title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

SEC. 8. LIABILITY LIMITATION.

(a) IN GENERAL.—Adoption of, agreement to, compliance with, or enforcement of any rule, regulation, requirement, standard, or other provision established pursuant to, or in compliance with, section 6 of this Act shall be treated as lawful under the antitrust laws and any similar State provision having the force and effect of law.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed to limit or otherwise affect any provision of law, including any provision of Federal or State law or the common law, other than the antitrust laws and any similar State provision having the force and effect of law.

SEC. 9. EMPLOYMENT STANDING.

Notwithstanding any other provision of Federal or State law, no individual may be considered an employee of an institution, a conference, or an interstate intercollegiate athletic association based on the participation of such individual on a varsity sports team or in an intercollegiate athletic competition as a student athlete, with-

out regard to the existence of rules or requirements for being a member of such team or for participating in such competition.

SEC. 10. STUDENT ATHLETIC FEES.

(a) TRANSPARENCY REQUIREMENTS.—

(1) INFORMATION DISSEMINATION ACTIVITIES.—Section 485(a)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1092(a)(1)(E)) is amended by inserting "(including the amount of such fees used to support intercollegiate athletic programs)" after "and fees".

(2) DATA REQUIRED.—

(A) IN GENERAL.—Section 485(g) of the Higher Education Act of 1965 (20 U.S.C. 1092(g)) is amended—

(i) in paragraph (1), by adding at the end the following:

"(K) With respect to fees charged to students to support intercollegiate athletic programs—

"(i) the total amount of such fees charged to students;

"(ii) the uses of such fees with respect to facilities, operating expenses, scholarships, payments to athletes, salaries of coaches and support staff, and any other expenses reported under this paragraph; and

"(iii) the percentage of the total cost of such programs covered by such fees."; and

(ii) in paragraph (3)—

(I) by striking the period at the end and inserting "; and";

(II) by striking "that all students" and inserting the following: "that—

"(A) all students"; and

(III) by adding at the end the following:

"(B) with respect to the information described in paragraph (1)(K), the institution shall annually publish such information on a publicly available website of the institution not later than October 15 following the end of each fiscal year of the institution.".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on July 1, 2026, and shall apply with respect to academic year 2026–2027 and each succeeding academic year.

(b) RESTRICTING STUDENT FEES FOR HIGH-MEDIA-RIGHTS-REVENUE INSTITUTIONS.—

(1) MEDIA RIGHTS REVENUES.—Section 485(g)(1)(I)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1092(g)(1)(I)(ii)) is amended by striking "broadcast revenues" and inserting "media rights revenues (including revenues from broadcasting, streaming, or digital distribution of intercollegiate athletic events)".

(2) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), as amended by this Act, is further amended by adding at the end the following:

"(31)(A) Beginning in academic year 2028–2029, and each succeeding academic year, the institution will determine the average annual media rights revenue of such institution by averaging the media rights revenues reported under section 485(g)(1)(I) for the second and third preceding academic years.

"(B) In the case of an institution with an average annual media rights revenue of $50,000,000 or more, as determined under subparagraph (A) for an academic year, the institution will not, for the first academic year that begins after such academic year, use student fees to support intercollegiate athletic programs (including with respect to facilities, operating expenses (as defined in section 485(g)(5)), scholarships, payments to athletes, salaries of coaches and support staff, and any other expenses reported under section 485(g)(1)).".

SEC. 11. PREEMPTION.

(a) IN GENERAL.—No State, or political subdivision of a State, may maintain, enforce, prescribe, or continue in effect any law, rule, regulation, requirement, standard, or other provision having the force and effect of law that conflicts with this Act, including the amendments made by this Act, and that—

(1) governs or regulates the compensation, payment, benefits, or employment status of a student athlete (including a prospective student athlete) with respect to participation in intercollegiate athletics, including any law, rule, regulation, requirement, standard, or other provision that—

(A) relates to the right of a student athlete to receive compensation or other payments or benefits directly or indirectly from any institution, associated entity or individual, conference, or interstate intercollegiate athletic association; or

(B) relates to the length of time a student athlete is eligible to participate in intercollegiate athletics or the academic standards to be eligible to participate in intercollegiate athletics;

(2) limits or restricts a right provided to an institution, a conference, or an interstate intercollegiate athletic association under this Act; or

(3) requires a release of or license to use the name, image, and likeness rights of any individual participant, or group of participants, in an intercollegiate athletic competition (or an individual spectator or group of spectators at an intercollegiate athletic competition) for purposes of audio-visual, audio, or visual broadcasts or other distributions of such intercollegiate athletic competition.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed to—

(1) relieve any person of liability under a State law of general applicability that does not conflict with this Act, including the amendments made by this Act; or

(2) relieve any person of liability under common law.

SEC. 12. REPORTS.

(a) FEDERAL TRADE COMMISSION STUDY.—

(1) STUDY.—The Federal Trade Commission shall conduct a study to analyze the impacts of establishing a program, administered by an entity independent of any institution, conference, or interstate intercollegiate athletic association, to develop standards for, certify as compliant with such standards, and otherwise regulate agents who enter into agreements with student athletes, which shall include an analysis of—

(A) options for establishing such a program;

(B) potential sources of funding for such a program;

(C) a reasonable timeline for establishing such a program; and

(D) the costs and benefits associated with such a program.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the results of the study conducted under paragraph (1), which shall include legislative recommendations with respect to the establishment and funding of the program described in such paragraph.

(b) COMPLIANCE REPORTING.—

(1) BIENNIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter, each interstate intercollegiate athletic association shall submit to Congress a report that includes—

(A) a summary of the issues faced by such interstate intercollegiate athletic association relating to compliance with this Act, including the amendments made by this Act;

(B) a summary of the trends among institutions, conferences, and interstate intercollegiate athletic associations relating to such compliance; and

(C) recommendations to improve the health, safety, and educational opportunities of student athletes.

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

(A) conduct an investigation with respect to compliance with this Act, including the amendments made by this Act; and

(B) submit to Congress a report that includes—

(i) a summary of the findings of the investigation conducted under subparagraph (A); and

(ii) recommendations to improve the health, safety, and educational opportunities of student athletes.

(c) STUDY ON OLYMPIC SPORTS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study—

(A) to assess the impact of this Act on Olympic Sports, including the funding of Olympic Sports; and

(B) to develop recommendations for support of Olympic Sports, given the unique nature of Olympic Sports and intercollegiate athletics in the United States.

(2) CONTENTS.—The study conducted under paragraph (1) shall include—

(A) a survey of international models of support for Olympic Sports, including models that could be adapted to the unique nature of Olympic Sports and intercollegiate athletics in the United States;

(B) the projected scale and magnitude of potential support for Olympic Sports, given historic levels of support provided by institutions;

(C) the coordination required to develop and cultivate Olympic Sports at institutions; and

(D) an analysis of the trends with respect to roster sizes for Olympic Sports at institutions, with a focus on the top 70 highest earning institutions with respect to average annual college sports revenue.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the results of the study conducted under paragraph (1).

(4) OLYMPIC SPORTS DEFINED.—In this subsection, the term "Olympic Sports" means the sports officially recognized and contested during the Summer and Winter Olympic Games.

PURPOSE

The purpose of H.R. 4312, the *Student Compensation and Opportunity through Rights and Endorsements* (SCORE) *Act*, is to establish a national framework that provides stability and consistency in college sports. Specifically, the bill establishes a national framework for Name, Image, and Likeness (NIL) compensation, clarifies that student-athletes are not employees, and grants athletic associations authority to set and enforce consistent rules. Additionally, the SCORE Act protects student-athletes from exploitation in NIL deals and ensures that universities provide student-athletes academic support, degree completion programs, financial literacy, and preparation for life after sports. H.R. 4312 upholds the tradition of college sports by delivering a sustainable framework that protects broad-based academic and athletic opportunities for student-athletes.

COMMITTEE ACTION

118TH CONGRESS

Second Session—Hearings

On March 6, 2024, the Committee's Subcommittees on Health, Employment, Labor, and Pensions and Higher Education and Workforce Development held a hearing on "Safeguarding Student-Athletes from NLRB Misclassification." The purpose of the hearing was to examine the National Labor Relations Board's (NLRB or Board) efforts to classify student-athletes as employees, including the NLRB Region 1's decision finding that Dartmouth College's men's basketball players are employees under the *National Labor Relations Act* (NLRA). Testifying before the Subcommittees were Ms. Jill Bodensteiner, Vice President and Director of Athletics, Saint Joseph's University, Philadelphia, Pennsylvania; Mr. Tyler Sims, Shareholder, Littler Mendelson, Tampa, Florida; Mr. Matthew Mitten, Professor of Law and Executive Director, National Sports Law Institute, Marquette University Law School, Milwaukee, Wisconsin; and Mr. Mark Gaston Pearce, Executive Director, Workers' Rights Institute at Georgetown Law, Washington, D.C.

Legislative Action

On May 23, 2024, Representative Bob Good (R–VA) introduced H.R. 8534, the *Protecting Student Athletes' Economic Freedom Act*, with then-Committee Chairwoman Virginia Foxx (R–NC) and Representatives Burgess Owens (R–UT), Eric Burlison (R–MO), Andrew Ogles (R–TN), Tim Walberg (R–MI), Rick Allen (R–GA), Mike Kelly (R–PA), Doug LaMalfa (R–CA), Mary E. Miller (R–IL), and

Robert B. Aderholdt (R–AL) as original cosponsors. The bill was referred solely to the Committee on Education and the Workforce.

On June 13, 2024, the Committee considered H.R. 8534 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 23–16. Representative Good offered an amendment in the nature of a substitute making a technical change. The amendment was adopted by voice vote.

119TH CONGRESS

First Session—Hearings

On April 8, 2025, the Committee on Education and Workforce Subcommittee on Health, Employment, Labor, and Pensions held a hearing on "Game Changer: the NLRB, Student-Athletes, and the Future of College Sports." The purpose of the hearing was to examine the changing intercollegiate athletics landscape and the NLRB's efforts during the Biden administration to classify student-athletes as employees. Testifying before the Subcommittee were Mr. Daniel L. Nash, Shareholder, Littler, Washington, D.C.; Ms. Morgyn Wynne, Former Softball Student-Athlete, Oklahoma State University, Stillwater, Oklahoma; Ms. Jacqie McWilliams Parker, Commissioner, Central Intercollegiate Athletic Association, Charlotte, North Carolina; and Mr. Ramogi Huma, Executive Director, National College Players Association, Norco, California.

Legislative Action

On July 9, 2025, Representative Gus Bilirakis (R–FL) introduced H.R. 4312, the *Student Compensation and Opportunity through Rights and Endorsements* (SCORE) *Act*, with Chairmen Walberg, Brett Guthrie (R–KY), and Jim Jordan (R–OH), House Republican Conference Chairwoman Lisa McClain (R–MI), and Representatives Russell Fry (R–SC), Janelle Bynum (D–OR), and Shomari Figures (D–AL) as original cosponsors. The bill was referred to the Committee on Education and Workforce and the Committee on Energy and Commerce.

On July 23, 2025, the Committee considered H.R. 4312 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 18–17. The Committee considered the following amendments to H.R. 4312:

1. Representative McClain offered an amendment in the nature of a substitute that strengthens enforcement of the bill and ensures the representation of smaller institutions in college sports decision making, among other changes. The amendment passed by voice vote.

2. Representative Joe Courtney (D–CT) offered an amendment that extends medical coverage for athletic related injuries from 3 to 10 years. The amendment failed by a recorded vote of 16–20.

3. Representative Michael Baumgartner (R–WA) offered an amendment that builds on college sports governance provisions in the bill and requires the council established in section 6 to develop polices on revenue sharing between institutions and compensation limits. The amendment failed by a recorded vote of 16–19.

4. Representative Summer Lee (D–PA) offered an amendment that strikes the prohibition on student-athletes being classified as employees. The amendment failed by a recorded vote of 15–20.

5. Representative Baumgartner offered an amendment that requires any institution that provides compensation to student-athletes to distribute compensation in equal amounts to all student-athletes. The amendment failed by a recorded vote of 14–21.

6. Representative Alma Adams (D–NC) offered an amendment that inserts broad language regarding discrimination on the basis of sex into the bill. The amendment failed by a recorded vote of 16–19.

7. Representative Kevin Kiley (R–CA) offered an amendment that removes authorization for an interstate intercollegiate athletic association to set membership rules, remove members, or control participation, ensuring these actions remain subject to fair competition laws by excluding them from the antitrust exemption in section 7. The amendment was withdrawn.

8. Representative Adams offered an amendment that inserts a new Section 13 to amend the *Higher Education Act of 1965* to include data reporting on gender equity in athletic programs. The amendment failed by a recorded vote of 16–19.

9. Representative Baumgartner offered an amendment that prohibits a conference from scheduling a regular season intercollegiate athletics competition in a location that is more than two time zones away from the primary campus of the school. The amendment was withdrawn.

10. Representative Greg Casar (D–TX) offered an amendment that strikes preemption language as it relates to compensation, payment, benefits, and employment status of student-athletes. The amendment failed by a recorded vote of 15–20.

11. Representative Baumgartner offered an amendment that requires institutions generating at least $20 million in athletic revenue to establish a student-athlete advisory committee to provide guidance on institutional policies affecting the well-being of student-athletes and requires these schools to also provide certain benefits to student-athletes that are required to travel across more than two time zones. The amendment failed by a recorded vote of 16–19.

12. Representative Yassamin Ansari (D–AZ) offered an amendment that requires colleges to provide to any employee associated with athletics an annual training on Title IX, what conduct constitutes sex discrimination, and the procedures for submitting Title IX complaints. The amendment also requires that these employees notify the Title IX coordinator when the employee has received information about sex discrimination. The amendment failed by a recorded vote of 16–19.

13. Ranking Member Robert C. "Bobby" Scott (D–VA) offered an amendment that inserts a private right of action for both current or previous student-athletes to bring an action in federal or state court against the interstate intercollegiate athletic association or institution alleging a violation of the Act. The amendment failed by a recorded vote of 16–20.

COMMITTEE VIEWS

INTRODUCTION

College athletics are in a transformational period, driven by the introduction of NIL rights and the finalized *House v. NCAA* settle-

ment that allows schools to share up to $20.5 million of revenue directly with student-athletes. Student-athletes deserve to be compensated for their contributions to college athletics, but the current environment is unsustainable and risks exploitation of student-athletes. The absence of uniform NIL regulations across states, coupled with ongoing antitrust litigation and attempts to classify student-athletes as employees, has created chaos. Ongoing lawsuits have the potential to fundamentally alter the financial structure, operational framework, and governance of college athletics, creating substantial implications for the NCAA, its member institutions, and the availability of academic and athletic opportunities for thousands of student-athletes.

BACKGROUND ON COLLEGE SPORTS LANDSCAPE

In recent years, antitrust laws have been used to challenge the long-standing policies of the National Collegiate Athletic Association (NCAA), a nonprofit organization that serves as the primary governing body for college athletics in the United States.[1] For decades, the NCAA enforced strict rules of amateurism, which barred student-athletes from receiving compensation for their NIL, a legal concept referring to an individual's ability to profit from the use of his or her own name, image, or likeness through activities such as endorsements, appearances, autographs, or digital content creation. Courts scrutinized whether these restrictions unlawfully suppressed competition and violated antitrust principles. In 2021, the U.S. Supreme Court unanimously ruled in *NCAA v. Alston* that the NCAA is not exempt from antitrust law.[2] Following the ruling, the NCAA quickly adopted an interim NIL policy that for the first time allowed student-athletes to benefit financially from their NIL without fear of NCAA penalty.[3]

The *NCAA v. Alston* ruling, combined with the expansion of NIL rights for student-athletes, has transformed the landscape of college sports. After the NCAA's interim policy went into effect in July 2021, so-called "NIL Collectives" quickly emerged at many institutions. NIL Collectives are organizations that fundraise from boosters with the intent to direct that money to a school's athletes through NIL deals. Collectives are not formally associated with schools or athletic departments, but they exist to benefit those entities. Collectives can pay student-athletes, but for the student-athletes to remain NCAA-eligible, the student-athletes must prove they completed a deliverable service in return for the payment, including: signing autographs, appearing at commercials or events, or marketing a product.[4]

In an effort to preserve the principles of amateurism and support fair competition across college sports, NCAA rules maintain that NIL opportunities cannot be used as recruiting inducements or as direct compensation for athletic performance.[5] However, in February 2024, a federal judge in Tennessee issued a preliminary injunction preventing the NCAA from enforcing rules related to NIL

[1] https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf.
[2] Ibid.
[3] https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx.
[4] https://www.on3.com/nil/news/what-are-nil-collectives-and-how-do-they-operate/.
[5] https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx.

Collectives offering deals to recruits.[6] This ruling, stemming from an antitrust lawsuit filed by the attorneys general of Tennessee and Virginia against the NCAA, allows recruits to discuss and negotiate NIL deals with schools and collectives before they commit to a school.[7] This shift has fundamentally altered the recruiting process, with student-athletes now factoring NIL opportunities and revenue sharing payments into their decisions about where to enroll or transfer.

The Transfer Portal

Alongside the expansion of NIL, the transfer portal has been a key driver of change in college sports. The transfer portal is a platform administered by the NCAA to regulate the process by which student-athletes transfer between NCAA member schools. The transfer portal allows student-athletes to signal their intention to transfer by having their name added to an online database. Once listed, the athlete becomes eligible to be contacted by coaches and staff from other institutions who can discuss potential opportunities such as campus visits and athletic scholarships. It applies across all three NCAA divisions, though most public attention centers on its use within Division I.[8]

Before the launch of the transfer portal in 2018, student-athletes transferring between Division I schools had to request permission to contact other programs, and without it, those schools were barred from engaging with them. Denials were common, appeals were slow, and approved transfers often required athletes to sit out one year. Schools also had the power to limit or block transfers to specific schools, such as conference rivals or future opponents.[9]

In the beginning, the transfer portal complemented the existing transfer rules. To initiate a transfer, a student-athlete would notify their current school, which was then required to enter the athlete's name into the transfer portal. Once listed, the athlete was free to communicate with coaches at other NCAA institutions. Initially, the transfer portal did not change eligibility requirements, and athletes in high-profile sports were still required to sit out one year of competition unless they were granted a waiver.

This changed in April 2021 when the NCAA introduced a one-time transfer rule, allowing student-athletes in all sports to transfer once without sitting out a year.[10] In 2024, under threat of litigation challenging its authority to limit athlete transfers, the NCAA eliminated the limit on immediate eligibility, allowing college athletes to transfer multiple times without sitting out a season.[11]

These shifts, paired with the expansion of NIL deals, have fueled a free-agency-like environment that undermines the educational foundation of college athletics by encouraging frequent transfers over degree completion. The transfer portal has disrupted college

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[6] https://www.espn.com/college-sports/story/_/id/39585390/ncaa-enforce-nil-rules-judge-grants-injunction.
[7] Ibid.
[8] https://www.ncaa.org/news/2023/2/8/media-center-what-the-ncaa-transfer-portal-is-and-what-it-isn-t.
[9] https://espn.com/college-sports/story/_/id/23782893/ncaa-passes-reform-allows-athletes-transfer-permission.
[10] NCAA Board of Directors ratifies one-time transfer legislation allowing athletes immediate eligibility—CBSSports.com.
[11] Division I Council approves changes to transfer rules—NCAA.org.

sports, creating roster instability, intensifying pay-for-play recruiting, and shifting focus from academic development to athletic and financial gain.

House v. NCAA Settlement

These shifts also triggered a wave of legal action seeking retroactive remedies for athletes who had previously been barred from profiting under the NCAA's former compensation rules. Chief among these lawsuits was *House v. NCAA*, a class-action lawsuit that challenged the NCAA's historical restrictions on athlete earnings and sought restitution for the economic harm caused to past and current student-athletes.

That legal effort reached a major milestone on June 6, 2025, when Judge Claudia Wilken of the U.S. District Court for the Northern District of California granted final approval of the settlement agreement. The resolution encompassed three major cases—*House v. NCAA*, *Hubbard v. NCAA*, and *Carter v. NCAA*—and addressed both back-wage damages and the establishment of future benefits for Division I student-athletes.[12] The settlement was reached after extensive negotiations between the NCAA, the Power Five conferences (ACC, Big Ten, Big 12, SEC, and Pac-12), and attorneys representing the athlete plaintiffs, marking a historic shift in the collegiate model. This landmark settlement, made effective July 1, 2025, establishes a 10-year injunction with potential extension and drives a transformative shift in college athletics. It creates the College Sports Commission (CSC), an independent body charged with enforcing the settlement terms, while the NCAA retains its role focused on managing championships, eligibility standards, and certain regulatory functions.[13]

The settlement includes four primary changes:

- Distributing approximately $2.78 billion in back damages to Division I athletes who competed between 2016 and 2024, paid over 10 years at roughly $280 million annually.
    - About 95 percent of these funds will go to football and men's and women's basketball players from the Defendant Conferences (ACC, Big Ten, Big 12, SEC, Pac-12, and Notre Dame).[14] More than 100,000 former student-athletes will receive back damages.[15]
- Permitting schools to share up to 22 percent of the average athletic revenue generated by schools in the ACC, Big Ten, Big 12, SEC, and Pac-12 from media rights, ticket sales, and sponsorships, often referred to as "revenue sharing." For the 2025–2026 academic year, each institution that opts-in can share up to $20.5 million, increasing by 4 percent annually for the next two years and subject to re-evaluation every three years. Under the settlement terms, institutions are permitted to determine how they will distribute the money to the institution's individual student-athletes.
    - For example, Texas Tech, a Big 12 school, plans to allocate $15.1 million (74 percent) to football, $3.6 million (17.5

[12] https://www.espn.com/college-sports/story/_/id/45467505/judge-grants-final-approval-house-v-ncaa-settlement.
[13] https://www.collegesportscommission.org/faq.
[14] https://www.courthousenews.com/ncaa-athletes-score-big-with-final-approval-2-8-billion-antitrust-settlement/.
[15] https://www.cbssports.com/college-football/news/2-8-billion-house-v-ncaa-settlement-hangs-in-balance-as-federal-judge-extends-response-deadline/.

percent) to men's basketball, $410,000 (2 percent) to women's basketball, $390,000 (1.9 percent) to baseball, and $920,000 (4.6 percent) to other sports.[16]

- Schools may also facilitate NIL deals between athletes and third parties, but these deals must reflect fair market value for legitimate business purposes, not merely pay-for-play arrangements.[17] The CSC, supported by a Deloitte-led clearinghouse called NIL Go, will assess these deals to ensure reasonable compensation and compliance, with enhanced scrutiny for agreements involving entities like NIL Collectives.[18]
- Eliminating athletics scholarship limits for individual teams (e.g., NCAA rules previously capped the number of scholarships institutions could award to football players per season at 85) and instead instituting roster limits for each sport.[19]

A Patchwork of State Laws

The absence of a federal framework for NIL deals has produced a patchwork of state laws. As of mid-2025, 33 states and the District of Columbia have enacted their own NIL statutes, creating competitive disadvantages and compliance challenges for student-athletes and institutions. The interstate nature of college sports renders these inconsistencies unsustainable, as state legislatures engage in competitive lawmaking to give their universities an edge in recruiting and competition. In the absence of clear national guidance, state legislatures have engaged in what amounts to an NIL policy arms race—crafting laws that are not only favorable to their own universities but that also directly undermine or preempt NCAA authority. These state laws often prohibit investigations, restrict the NCAA's ability to impose penalties, or provide tax and legal advantages that incentivize athletes to choose schools in those jurisdictions. These inconsistencies have created significant competitive disparities between institutions based on geography.

Ongoing Legal Challenges

The NCAA is also confronting significant legal battles that challenge its rules on athlete compensation, eligibility, and prize money restrictions. These lawsuits, some of which are outlined below, allege violations of antitrust laws and labor protections. They have the potential to fundamentally alter the financial structure, operational framework, and governance of college athletics, creating substantial implications for the NCAA, its member institutions, and the availability of athletic opportunities for thousands of student-athletes.

Fontenot v. NCAA

Filed in federal court in Colorado in 2023 and led by former University of Colorado running back Alex Fontenot, this case alleges NCAA Bylaw 12 and rules prohibiting direct athlete compensation, especially from billions in television revenue, violate Section 1 of

[16] https://www.lubbockonline.com/story/sports/college/red-raiders/2024/12/16/texas-tech-football-kirby-hocutt-details-plan-for-revenue-sharing-era/76962416007/.
[17] https://www.collegesportscommission.org/.
[18] https://businessofcollegesports.com/name-image-likeness/details-emerging-about-enforcement-of-the-house-settlement/.
[19] https://www.cbssports.com/college-football/news/ncaa-removes-scholarship-limits-aligns-with-house-settlement-as-roster-sizes-evolve-in-new-college-sports-era/.

the *Sherman Antitrust Act* by restraining trade. Unlike *House v. NCAA*, which addresses lost NIL earnings, Fontenot seeks a fully open market for all athlete earnings, including salaries and broadcast rights shares, aiming to dismantle NCAA amateurism entirely. Heard separately from the House settlement on May 23, 2024, it challenges the settlement's revenue-sharing and roster restrictions as anticompetitive restraints. With 292 plaintiffs, the case seeks class certification for all Division I athletes since 2016. A successful outcome for the plaintiff, with treble damages potentially exceeding $10 billion, would jeopardize college sports' long-term viability by imposing unsustainable financial burdens on the NCAA, conferences, and schools.[20]

Johnson v. NCAA

In *Johnson v. NCAA*, the Third U.S. Circuit Court of Appeals considered whether "NCAA Division I athletes can be employees of the colleges and universities they attend for purposes of the Fair Labor Standards Act solely by virtue of their participation in interscholastic athletics."[21] The plaintiffs—athletes at 13 Division I NCAA member schools—contended they are entitled to minimum wage and overtime under the *Fair Labor Standards Act* (FLSA) for time spent on their sport-related activities. The defendants—the NCAA and various colleges and universities—argued in the case that because of a "revered tradition of amateurism," FLSA protections should not apply to student-athletes, but that argument did not find purchase with the Third Circuit.[22] On July 11, 2024, the court held that college athletes may be employees under the FLSA when they perform services for another party, perform those services for the college or university's benefit, perform those services under the college or university's control or right of control, and perform those services in return for express or implied compensation or benefits.[23] The Third Circuit remanded the case back to a Pennsylvania federal district court and instructed it to apply an "economic realities analysis grounded in common-law agency principles" to determine whether the student-athlete plaintiffs should be considered employees under the FLSA.[24] A ruling in favor of student-athletes could grant them labor rights and collective bargaining, eliminating thousands of academic opportunities and threatening college sports as we know them.

Pavia v. NCAA

Filed in federal court by Vanderbilt University quarterback Diego Pavia, this antitrust lawsuit challenges the NCAA's four-seasons-in-five-years eligibility rule as an unreasonable restraint on trade. Pavia argued his two years at New Mexico Military Institute, a junior college (JUCO), should not count against his eligibility. In December 2024, a district judge granted a preliminary injunction that allows Pavia to play a sixth season. Subsequently, the NCAA granted a one-year eligibility extension for all JUCO athletes. The NCAA appealed to the Sixth Circuit where the case re-

[20] https://www.sportico.com/leagues/college-sports/2024/fontenot-ncaa-lawsuit-hollingshed-fuller-plaintiffs-1234790750/.
[21] 108 F.4th 163, 175 (3d Cir. 2024).
[22] Id. at 182.
[23] Id. at 180.
[24] Id. at 167.

mains active. A ruling dismantling the NCAA's four-seasons-in-five-years eligibility framework would significantly disrupt college sports by encouraging increased JUCO participation as athletes seek additional eligibility years to maximize NIL earnings. This shift would limit athletic opportunities for high school athletes as they'd be forced to compete for roster spots with older, more experienced JUCO athletes.[25]

BACKGROUND ON STUDENT-ATHLETE EMPLOYMENT STATUS

Student-athletes have not been treated as employees under federal labor law until recent attempts by the Biden administration intended to advance its pro-labor agenda at the NLRB. The Biden NLRB tried to give unions the ability to organize student-athletes and the potential to collect millions of dollars in union dues and fees from student-athletes. In September 2021, NLRB General Counsel (GC) Jennifer Abruzzo issued a memorandum updating guidance to all NLRB field offices articulating her position that certain student-athletes are employees under the NLRA.[26] The memo states that "the law fully supports a finding that scholarship football players at Division I Football Bowl Subdivision (FBS) private colleges and universities, and other similarly situated Players at Academic Institutions, are employees under the NLRA."[27] The memo also reflected the GC's position that "misclassifying such employees as mere 'student-athletes,' and leading them to believe that they do not have statutory protections is a violation of Section 8(a)(1) of the [NLRA]."[28]

In May 2023, NLRB Region 31 issued a complaint against the University of Southern California (USC), the Pac-12 Conference, and the NCAA for "misclassifying" players as student-athletes.[29] The complaint pursued the GC's theory that misclassifying student-athletes as non-employees intentionally discourages student-athletes from exercising their rights to engage in protected concerted activity under the NLRA. On January 10, 2025, after an NLRB administrative law judge presided over a trial but before a decision was issued, the National College Players Association formally withdrew its unfair labor practice charge against USC, the Pac-12, and the NCAA.[30]

In February 2024, the Regional Director of NLRB Region 1 directed a certification election for which the Dartmouth College men's basketball team had petitioned. The Regional Director stated that because "Dartmouth has the right to control the work performed by the Dartmouth men's basketball team, and the players perform that work in exchange for compensation, . . . the petitioned-for basketball players are employees within the meaning of the Act."[31] The following month, the Dartmouth men's basketball

[25] https://www.fplegal.com/news/reporting-as-eligible-two-recent-rulings-cast-doubt-on-ncaa-eligibility-rules.
[26] https://www.nlrb.gov/news-outreach/news-story/nlrb-general-counsel-jennifer-abruzzo-issues-memo-on-employee-status-of. NLRB GC Abruzzo refuses to use the term "student-athlete" and deems them "Players at Academic Institutions."
[27] *Id.*
[28] *Id.*
[29] https://www.law360.com/articles/1679404/attachments/0.
[30] https://apps.nlrb.gov/link/document.aspx/09031d4583f009c4.
[31] https://apps.nlrb.gov/link/document.aspx/09031d4583c5ebe4.

players voted to form the first labor union in college sports,[32] with the 15-player roster voting 13–2 in favor of joining SEIU Local 560. Dartmouth challenged the vote, and on December 31, 2024, SEIU Local 560 requested the withdrawal of its petition to represent the Dartmouth men's basketball team. On January 15, 2025, the Regional Director approved the withdrawal petition.

Withdrawing an unfair labor practice charge or a certification petition after a presidential election and before the new administration can install its nominees is a common tactic employed by parties before the NLRB. Unless Congress clearly defines the employment status of student-athletes, the NLRB in a future administration may classify student-athletes as employees. The uncertainty about student-athlete employment status alone could unravel college sports.

Adverse Consequences of Classifying Student-Athletes as Employees

Many student-athletes are apprehensive about the repercussions of being classified as employees. Ms. Morgyn Wynne, a former Division I softball player at Oklahoma State University, articulated her concerns in her April 8, 2025, testimony before the Subcommittee on Health, Employment, Labor, and Pensions (HELP). She stated, "I fear that shifting student-athletes into an employment model would erode the very essence of what makes collegiate athletics so transformative."[33]

If student-athletes at private universities are classified as employees under the NLRA and the student-athletes unionize, then universities and unions will bargain over terms and conditions of employment. The scope of mandatory subjects of bargaining in the context of student-athletes is unclear. Traditionally, mandatory subjects of bargaining include changes to wages, hours, and working conditions; grievance and arbitration procedures; contract length; seniority; union security clauses; strikes and lockouts; management rights clauses; and discipline.[34]

For student-athletes, potential mandatory subjects of bargaining could include the amount student-athletes receive for scholarships and stipends, the number of games played in a season, the number of hours spent training and practicing, amount of payment, use of players' likenesses, availability of health care, required credit hours per semester, and the grade point average required to remain eligible to participate in athletics. What the NLRB would consider mandatory subjects of bargaining in the context of student-athletes would likely depend on which political party is in power, and that reality alone makes the consequences of classifying student-athletes as employees unpredictable.

Today, student-athletes can receive an array of benefits from their universities, including scholarships covering tuition costs, room and board, annual stipends, health insurance benefits, catastrophic injury benefits, apparel, and counseling. Student-athletes also have freedoms to transfer relatively freely from one school to another and negotiate their own NIL deals. However, if student-athletes are classified as employees and organize as such, then

[32] https://apps.nlrb.gov/link/document.aspx/09031d4583cafa84.
[33] https://edworkforce.house.gov/uploadedfiles/wynne_testimony.pdf.
[34] https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-3024/basicguide.pdf.

some or all of these benefits and freedoms could be revoked pursuant to provisions in the collective bargaining agreement.

Classifying student-athletes as employees could also reduce the number of sports on college campuses, sparing only the most high-profile, profitable sports. There are very few profitable college athletic programs, and unionizing student-athletes will only increase the financial strain on colleges and universities. Under financial pressure, many colleges may cut sports with fewer participants or those that bring little to no revenue to the school. Many athletes and sports will become collateral damage of the well-intentioned desire to protect student-athletes like they are employees. Ms. Wynne testified:

> The reality is that many institutions, especially mid-major programs, do not have the financial resources to support student-athletes under an employment model. The fear is not just about what employment might mean for us individually—it is about what it means for the sustainability of our sports, our teammates, and the thousands of student-athletes who dream of competing at this level in the future.[35]

Additionally, as employees, student-athletes' scholarships could be viewed as income by the Internal Revenue Service and taxed in full, as is the case for graduate assistants who are considered employees. If classified as employees, student-athletes could also have to pay state and local taxes for every location they play. Considering the rising costs of tuition for four-year colleges and universities, students could face a substantial tax burden which they may struggle to pay on their scholarships.

Collective bargaining agreements could also undermine the importance of education in the life of students. The union could bargain for lower grade point average requirements (possibly in conflict with NCAA rules) and more time for practice, changing the nature of university athletics and, more importantly, the quality of university education. These individuals would become semi-professional athletes rather than playing sports as a part of their educational pursuits. Mr. Daniel Nash, an attorney at Littler Mendelson P.C., testified before the HELP Subcommittee at its April 8, 2025, hearing that "[A]pplying the labor laws to student-athletes more generally could have the effect of eroding the academic relationship between schools and their students."[36] Similarly, Ms. Jacqueline D. McWilliams Parker, the Commissioner of the Central Intercollegiate Athletic Association, stated in her testimony to the HELP Subcommittee:

> A move toward an employment model for student-athletes would shift college sports from being a pathway to education and a developmental platform for hundreds of thousands of student-athletes across dozens of sports at more than 1,000 colleges and universities, to a professional occupation concentrated among a few sports primarily at America's largest universities.[37]

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[35] https://edworkforce.house.gov/uploadedfiles/wynne_testimony.pdf.
[36] https://edworkforce.house.gov/uploadedfiles/nash_testimony.pdf.
[37] https://edworkforce.house.gov/uploadedfiles/mcwilliams_parker_testimony.pdf.

Finally, if a school and student-athlete union cannot agree on the terms and conditions of employment, then it is possible that either party could resort to economic pressure, including lockouts and strikes. In response to either a lockout or strike, the employer may hire temporary replacements. While it is hard to imagine how universities would find replacements in the case of student-athlete strikes, any lockout or strike would interfere with athletics in the entire athletic division.

By classifying student-athletes as employees under the NLRA, the Biden NLRB intended to allow student-athletes to unionize. Organizing student-athletes and negotiating collective bargaining agreements with compulsory union dues would funnel millions of dollars to union coffers. In short, the Biden NLRB put union financial interests ahead of the interests and wellbeing of student-athletes. Classifying student-athletes as employees under the NLRA would help unions at the expense of student-athletes. H.R. 4312 would recenter student-athletes at the heart of college sports.

KEY PROVISIONS OF H.R. 4312

Name, Image, and Likeness Rights

The SCORE Act protects student-athletes' rights to enter into NIL agreements by prohibiting institutions, conferences, or interstate intercollegiate athletic associations from restricting such agreements, except in cases of prohibited compensation or conflicts with institutional codes of conduct or existing contracts. The bill ensures student-athletes can secure representation without restriction and safeguards their privacy by requiring express written consent for disclosing NIL agreement details. For NIL agreements exceeding $600, H.R. 4312 requires written contracts with clear terms, including services, compensation, and termination provisions. These measures establish clear rules for NIL agreements, protecting student-athletes from exploitation.

Transfer Portal

The SCORE Act gives the NCAA authority to regulate the transfer portal in college athletics. The Act ensures student-athletes can transfer at least once with immediate eligibility to compete, provided they are academically eligible. It also requires institutions to provide written notice of accepted academic credits applicable to the student-athlete's program of study at a reasonable time before transfer completion. These measures reduce the disruptions of frequent transfers and pay-for-play recruiting in college athletics and ensure student-athletes stay on track academically.

NCAA Core Guarantees

The NCAA core guarantees, implemented on August 1, 2024, and incorporated into the SCORE Act, mandate enhanced benefits for student-athletes at Division I schools. These guarantees emerged from NCAA reforms following legal pressures to address athlete welfare amid evolving regulations. They require schools to provide academic services, career counseling, and life skills training in areas like mental health, financial literacy, NIL opportunities, and legal counsel, alongside healthcare coverage for athletically related injuries for at least two years post-graduation or separation that

covers out-of-pocket expenses. Scholarship protections also prohibit reducing or canceling aid due to injury, performance, or roster decisions, while degree completion programs expand eligibility for former student-athletes to complete their education. Currently, student-athletes are receiving more benefits than ever. Between NIL deals, scholarships, revenue share payments, and additional student-athlete benefits, the NCAA estimates compensation to student-athletes is approaching 50 percent of total athletic revenue at their schools.[38] These Core Guarantees are incorporated into H.R. 4312 to standardize benefits across NCAA institutions.

Olympic Sports

H.R. 4312 requires Division I institutions with athletic budgets of $20 million or more to sustain at least 16 varsity sports teams. This provision shields thousands of student-athletes in non-revenue generating Olympic sports from budget cuts driven by the *House v. NCAA* settlement's revenue-sharing demands. In 2024, 80 percent of U.S. Olympians trained in college programs; the SCORE Act helps maintain that essential pipeline.

Student Fees

Since 1970, tuition at four-year public and private nonprofit colleges has increased fivefold in real terms, outpacing nearly all other goods and services in the U.S. economy.[39] A significant factor is the escalating cost of intercollegiate athletics. In 2022, Division I institutions spent $17.1 billion on athletics, a 24 percent increase from 2021,[40] with recruiting costs nearly doubling from 2012 to 2022.[41] Most programs, unable to cover expenses solely with generated revenue, rely on subsidies from institutional budgets or mandatory student fees. These subsidies include direct institutional support (university budget transfers), indirect institutional support (e.g., debt service or facility rent), and student fees. In 2022, 92 percent of Division I programs required such subsidies to offset deficits.[42]

Student fees are mandatory charges levied on all full-time undergraduate students that fund various student activities, including club sports, intramural programs, and, in some cases, intercollegiate athletics. These fees, ranging from $50 to over $1,500 annually, are often undisclosed until tuition bills arrive and apply to all students, including those who do not attend sporting events. Student fees contributing to athletics, which is not a core mission of colleges and universities, significantly impacts education costs, diverts resources away from academic programs and student services, and exacerbates student debt. In 2023, Division I schools gen-

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[38] https://www.cbssports.com/college-football/news/how-college-athletes-will-be-paid-after-house-v-ncaa-settlement-nil-changes-enforcement-contracts-and-more/#:~:text=The%20settlement%20estimates%20that%20the,resemble%20that%20of%20independent%20contractors.

[39] https://nces.ed.gov/programs/digest/d19/tables/dt19_330.10.asp?current=yes.

[40] https://ncaaorg.s3.amazonaws.com/research/Finances/2023RES_DI-RevExpReport_FINAL.pdf.

[41] U.S. Department of Education, Office of Postsecondary Education, Equity in Athletics Disclosure Act survey, "Generate Trend Data," accessed on January 6, 2025, https://ope.ed.gov/athletics/Trend/public/#/answer/5/501/trend/-1/-1/-1/-1.

[42] National Collegiate Athletic Association, "NCAA Membership Financial Database," accessed on January 27, 2025, https://www.ncaa.org/sports/2019/11/12/finances-of-intercollegiate-athletics-database.aspx.

erated $669 million in student fees according to *Sportico's* college finance database.[43]

The *House v. NCAA* settlement, permitting schools to share up to $20.5 million in annual revenue with student-athletes, places further strain on athletic department budgets, prompting institutions to seek additional revenue sources, including increased or newly imposed mandatory student fees. This year, more than 20 Division I schools have implemented or increased such fees. Examples include:

- University of Maryland: 4 percent increase in tuition and mandatory athletic fee.[44]
- University of South Carolina: $300 per semester athletics auxiliary fee.[45]
- Virginia Tech University: $295 per semester increase in student athletic fee.[46]
- Clemson University: $150 per semester athletic surcharge.[47]
- West Virginia University: $125 per student Mountaineer Athletic Advantage Fee.[48]

To address this, H.R. 4312 requires institutions receiving federal student aid under Title IV of the *Higher Education Act* (Title IV) to annually disclose on their websites and tuition bills the amount of student fees used for intercollegiate athletics, their specific allocations (e.g., facilities, salaries, scholarships, athlete payments), and the percentage of the athletic department budget these fees cover. These reporting requirements ensure students and families know the amount of the fee and its allocations. Current public data lacks detailed breakdowns of fee allocations, underscoring the need for such measures. As the University of Illinois Athletic Director stated in 2024, "We want to avoid any suggestion that the student body is underwriting more expansive economic benefits for their fellow students."[49] Additionally, the SCORE Act prohibits Title IV recipients that earn $50 million or more in annual media rights revenue from using student fees to fund their intercollegiate athletics programs.

CONCLUSION

H.R. 4312, the SCORE Act, brings much needed stability to college sports by establishing a national framework for NIL deals, resolving state-law disparities, clarifying that student-athletes are not employees, and putting an end to the ongoing litigation frenzy threatening college sports. By establishing a sustainable framework, H.R. 4312 provides consistency for the governance of college athletics, supports a broad array of athletic opportunities, and ensures long-term stability for this vital piece of American culture.

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[43] https://www.sportico.com/business/commerce/2023/college-sports-finances-database-intercollegiate-1234646029/.

[44] https://dbknews.com/2025/06/13/umd-tuition-fees-increase-usm-budget/.

[45] https://www.mensjournal.com/sports/students-major-sec-university-forced-pay-nearly-500-fees.

[46] https://roanoke.com/sports/college/football/virginia-tech-hokies/article_7ac906a0-b04f-4236-81df-8ff79636cc09.html.

[47] https://apnews.com/article/clemson-students-athletic-fee-a6abc6390b50a97319a084beca483f79:text=(AP)%20%E2%80%94%20Clemson%20University's%20board,athletic%20department%20in%202025%2D26.

[48] https://www.thedaonline.com/featured/wvu-raises-tuition-adds-mountaineer-athletics-advantage-fee-for-morgantown-students/article_3741ed5c-9677-41b1-9691-2919d19b29af.html.

[49] https://fightingillini.com/news/2024/7/9/general-illinois-athletics-to-phase-out-athletic-facilities-student-fee.aspx.

H.R. 4312 SECTION-BY-SECTION SUMMARY

Section 1: Short title

This Act may be cited as the "*Student Compensation and Opportunity through Rights and Endorsements* (SCORE) *Act*."

Section 2: Definitions

This section defines the key terms of the Act.

Section 3: NIL-related rights

The bill:

- Gives student-athletes the right to receive NIL payments unless the payment (1) is from a booster and not for a valid business purpose, (2) is from a school and exceeds the pool limit, or (3) violates the school's code of conduct or otherwise conflicts with the school's contracts.
- Gives student-athletes the right to be represented by an agent.
- Requires NIL agreements over $600 to include written detailed terms on services, compensation, duration, and termination.
- Gives authority to state attorneys general to bring civil actions for NIL violations on behalf of state residents.
- Keeps personally identifiable NIL-related information private.

Section 4: Agent disclosure

- The bill requires agents to inform student-athletes if the agent is registered.

Section 5: Guaranteed benefits to student-athletes

The bill requires any institution with $20,000,000 or more in athletics revenue (which includes most Division I schools) to:

- Provide student-athletes academic support, career counselling, and life skills development (including advice and guidance related to health, nutrition, NIL legal requirements, financial literacy, career readiness, transferring to other institutions, and sexual violence prevention).
- Provide student-athletes medical and health benefits, including benefits for three years after graduation or separation from the institution for a sports-related injury; mental health services; independent medical care and return-to-play decision-making; and certification of insurance coverage for medical expenses from sports-related injuries.
- Provide student-athletes grant-in-aid guarantees regardless of performance or injury.
- Provide an annual grant-in-aid guarantee to any former student-athlete who returns to an institution to graduate that is equal to previous average annual amounts received by that student.
- Establish and maintain at least 16 varsity sports teams.
- Comply with this section in order to participate in Title IV programs under the *Higher Education Act*.

Section 6: College Athletic Association Rulemaking Authority

The bill provides college athletic associations (e.g., the NCAA) authority to create and enforce rules relating to:

- Requiring disclosure of NIL contracts.
- Creating a process to publicly share aggregated and anonymized NIL data.
- Prohibiting compensation from boosters if the compensation is not for a valid business purpose or from institutions if that compensation exceeds the pool limit.
- Recruiting from high school and other institutions.
- Creating a pool limit that is equal to 22 percent of the sports revenue of the 70 highest-earning institutions and monitoring pool limit payments.
- Student-athletes transferring between institutions, so long as a student-athlete can transfer one time with immediate eligibility and receiving schools provide student-athletes with information about transferring credits before the student transfers.
- Student-athlete eligibility requirements, including years and academic standing.
- Establishing an agent registry.
- Establishing parameters for institutions to engage with unregistered agents, protecting student-athletes from exploitation.
- Institutional membership and championship participation requirements.

The bill also stipulates that athletic associations must comply with the Act to receive the antitrust exemption allowing the associations to establish and enforce rules.

The bill also adds governance requirements for athletic associations that ensure any decision-making body consists of at least 20 percent current or recent student-athletes (equally representing men and women from different sports) and 30 percent from non-top 70 revenue institutions.

Section 7: Title IX

- Clarifies that the Act does not affect Title IX of the *Education Amendments of 1972*.

Section 8: Antitrust liability protections

- Compliance with this bill and adoption and enforcement of rules specified under this bill are deemed lawful under the antitrust laws.

Section 9: Student-athletes are not employees

- Establishes that no student-athlete may be considered an employee of an institution, conference, or interstate intercollegiate athletic association by virtue of that student's participation on a varsity sports team or in an intercollegiate athletic competition, regardless of any other provision of federal or state law.

Section 10: Student fee reporting and prohibition

- Amends the *Higher Education Act of 1965* to require institutions to disclose the amount of student fees used to support their intercollegiate athletic program as part of their tuition and fee reporting requirements.
- Requires institutions to report the total amount of student fees charged to support intercollegiate athletic programs, the specific uses of such fees, and the percentage of the total cost of the athletic department covered by such fees.

• Requires institutions to annually publish this student fee information on a publicly available website.
• Prohibits any school that receives media revenue over $50 million from charging its students fees to support athletic programs.

Section 11: Preemption

• The bill prohibits states from enforcing laws related to compensation, payment, or employment status as well as other policies that conflict with the bill.

Section 12: Reports

• Requires the Federal Trade Commission to conduct a study on establishing an independent program to develop standards and certify compliance for agents entering agreements with student-athletes.
• Requires interstate intercollegiate athletic associations to submit a report to Congress on compliance with the Act.
• Requires the Comptroller General to investigate compliance with the Act and report to Congress.
• Requires the Comptroller General to conduct a study on the Act's impact on Olympic sports.

EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 4312 establishes a national framework that provides stability and consistency in college sports. H.R. 4312 is applicable to student-athletes and intercollegiate athletics and therefore does not apply to the legislative branch.

UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104–4), the Committee traditionally adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974. The Committee reports that because this cost estimate was not timely submitted to the Committee before the filing of this report, the Committee is not in a position to make a cost estimate for H.R. 4312.

EARMARK STATEMENT

H.R. 4312 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 9 Bill: H.R. 4312 Amendment Number: N/A

Disposition: Adopted by a Full Committee Roll Call Vote (20y-16n)

Sponsor/Amendment: Rep. Owens

Motion to Move the Previous Question

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. COURNTEY (CT))		X	
Mrs. FOXX (NC)	X			Ms. WILSON (FL)		X	
Mr. THOMPSON (PA)	X			Ms. BONAMICI (OR)		X	
Mr. GROTHMAN (WI)	X			Mr. TAKANO (CA))		X	
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)		X	
Mr. ALLEN (GA)	X			Mr. DESAULNIER (CA)		X	
Mr. COMER (KY)	X			Mr. NORCROSS (NJ)		X	
Mr. OWENS (UT)	X			Ms. MCBATH (GA)		X	
Ms. MCCLAIN (MI)	X			Ms. HAYES (CT)		X	
Mrs. MILLER (IL)	X			Ms. OMAR (MN)		X	
Ms. LETLOW (LA)	X			Ms. STEVENS (MI)		X	
Mr. KILEY (CA)	X			Mr. CASAR (TX)		X	
Mr. RULLI (OH)	X			Ms. LEE (PA)		X	
Mr. MOYLAN (GU)	X			Mr. MANNION (NY)		X	
Mr. ONDER (MO)	X			Ms. ANSARI (AZ)		X	
Mr. MACKENZIE (PA)	X						
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)	X						
Mr. MESSMER (IN)	X						
Mr. FINE (FL)	X						

TOTALS: Ayes: 20 Nos: 16 Not Voting: 1

Total: 37 / Quorum: 36 Report: Passed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 10 Bill: H.R. 4312 Amendment Number: 024

Disposition: Rejected by a Full Committee Roll Call Vote (20n-16y)

Sponsor/Amendment: Rep. Courtney
COURTN_024

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 20 Not Voting: 1

Total: 37 / Quorum: 36 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 11 Bill: H.R. 4312 Amendment Number: 020

Disposition: Rejected by a Full Committee Roll Call Vote (16y-19)

Sponsor/Amendment: Rep. Baumgartner
BAUMGA_020

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 19 Not Voting: 2

Total: 37 / Quorum: 35 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 12 Bill: H.R. 4312 Amendment Number: 01

Disposition: Rejected by a Full Committee Roll Call Vote (15y-20n)

Sponsor/Amendment: Rep. Lee
LEE_AMD_01

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 15 Nos: 20 Not Voting: 2

Total: 37 / Quorum: 35 / Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 13 Bill: H.R. 4312 Amendment Number: 21

Disposition: Rejected by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Baumgartner
BAUMGA_021

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))		X	
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)		X	
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 2

Total: 37 / Quorum: 35 / Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 14 Bill: H.R. 4312 Amendment Number: 02

Disposition: Rejected by a Full Committee Roll Call Vote (16y-19n)

Sponsor/Amendment: Rep. Adams
ADAMS_AMD_02

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 19 Not Voting: 2

Total: 37 / Quorum: 35 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 15 Bill: H.R. 4312 Amendment Number: 528

Disposition: Rejected by a Full Committee Roll Call Vote (16y-19n)

Sponsor/Amendment: Rep. Adams
ADAMNC_528

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 19 Not Voting: 2

Total: 37 / Quorum: 35 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 16 Bill: H.R. 4312 Amendment Number: 02B

Disposition: Rejected by a Full Committee Roll Call Vote (15y-20n)

Sponsor/Amendment: Rep. Casar
CASAR_AMD_02B

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 15 Nos: 20 Not Voting: 2

Total: 37 / Quorum: 35 / Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 17 Bill: H.R. 4312 Amendment Number: 023

Disposition: Rejected by a Full Committee Roll Call Vote (16y-19n)

Sponsor/Amendment: Rep. Baumgartner
BAUMGA_023

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)			X
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 19 Not Voting: 2

Total: 37 / Quorum: 35 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 18 Bill: H.R. 4312 Amendment Number: 01

Disposition: Rejected by a Full Committee Roll Call Vote (16y-20n)

Sponsor/Amendment: Rep. Ansari
ANSARI_AMD_01

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 20 Not Voting: 1

Total: 37 / Quorum: 36 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 19 Bill: H.R. 4312 Amendment Number: 03

Disposition: Rejected by a Full Committee Roll Call Vote (16y-20n)

Sponsor/Amendment: Ranking Member Scott
SCOTT_AMD_03

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURNTEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)	X		
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X		Ms. ANSARI (AZ)	X		
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 16 Nos: 20 Not Voting: 1

Total: 37 / Quorum: 36 Report: Failed

(21 R - 16 D)

Date: 07/23/2025

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 20 Bill: H.R. 4312 Amendment Number: N/A

Disposition: Adopted by a Full Committee Roll Call Vote (18y-17n)

Sponsor/Amendment: Rep. McClain; Motion to report bill, as amended

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. COURNTEY (CT))		X	
Mrs. FOXX (NC)	X			Ms. WILSON (FL)		X	
Mr. THOMPSON (PA)	X			Ms. BONAMICI (OR)		X	
Mr. GROTHMAN (WI)	X			Mr. TAKANO (CA))		X	
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)		X	
Mr. ALLEN (GA)	X			Mr. DESAULNIER (CA)		X	
Mr. COMER (KY)	X			Mr. NORCROSS (NJ)		X	
Mr. OWENS (UT)	X			Ms. MCBATH (GA)		X	
Ms. MCCLAIN (MI)	X			Ms. HAYES (CT)		X	
Mrs. MILLER (IL)	X			Ms. OMAR (MN)		X	
Ms. LETLOW (LA)	X			Ms. STEVENS (MI)		X	
Mr. KILEY (CA)			X	Mr. CASAR (TX)		X	
Mr. RULLI (OH)	X			Ms. LEE (PA)		X	
Mr. MOYLAN (GU)	X			Mr. MANNION (NY)		X	
Mr. ONDER (MO)	X			Ms. ANSARI (AZ)		X	
Mr. MACKENZIE (PA)	X						
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)	X						
Mr. MESSMER (IN)	X						
Mr. FINE (FL)	X						

TOTALS: Ayes: 18 Nos: 17 Not Voting: 2

Total: 37 / Quorum: 35 Report: Passed

(21 R - 16 D)

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House of Representatives rule XIII, the goal of H.R. 4312, the *Student Compensation and Opportunity through Rights and Endorsements* (SCORE) *Act*, is to establish a national framework that provides stability and consistency in college sports. Specifically, the bill establishes a national framework for NIL compensation, clarifies that student-athletes are not employees, and grants athletic associations authority to set and enforce consistent rules. Additionally, the SCORE Act protects student-athletes from exploitation in NIL deals and ensures universities provide student-athletes academic support, degree completion programs, financial literacy, and preparation for life after sports.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 4312 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

REQUIRED COMMITTEE HEARING

In compliance with clause 3(c)(6) of rule XIII of the Rules of the House of Representatives the following hearing held during the 119th Congress was used to develop or consider H.R. 4312: On April 8, 2025, the Subcommittee on Health, Employment, Labor, and Pensions held a hearing on "Game Changer: the NLRB, Student-Athletes, and the Future of College Sports."

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, a cost estimate was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 4312. However, clause 3(d)(2)(B) of that rule provides that this requirement does not

apply when, as with the present report, the Committee has requested a cost estimate for the bill from the Director of the Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

* * * * * * *

SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE CONTACT BETWEEN AN ATHLETE AGENT AND A STUDENT ATHLETE.

(a) CONDUCT PROHIBITED.—It is unlawful for an athlete agent to—

(1) directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by—

(A) giving any false or misleading information or making a false promise or representation; or

(B) providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract, including any consideration in the form of a loan, or acting in the capacity of a guarantor or co-guarantor for any debt;

(2) enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in subsection (b); or

(3) predate or postdate an agency contract.

(b) REQUIRED DISCLOSURE BY ATHLETE AGENTS TO STUDENT ATHLETES.—

(1) IN GENERAL.—In conjunction with the entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is under the age of 18, to such student athlete's parent or legal guardian, a disclosure document that meets the requirements of this subsection. Such disclosure document is separate from and in addition to any disclosure which may be required under State law.

(2) SIGNATURE OF STUDENT ATHLETE.—The disclosure document must be signed by the student athlete, or, if the student athlete is under the age of 18, by such student athlete's parent or legal guardian, prior to entering into the agency contract.

(3) REQUIRED LANGUAGE.—The disclosure document must contain, in close proximity to the signature of the student athlete, or, if the student athlete is under the age of 18, the signature of such student athlete's parent or legal guardian, a conspicuous notice in boldface type stating: "[Warning to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future you may lose your eligibility to compete as a student athlete in your sport.] *Notice to Student Athlete:* Within 72 hours after entering into this contract or be-

fore the next athleticevent in which you are eligible to participate, whichever occurs first, both you and the agent by whom you are agreeing to be represented must notify the athletic director of the educational institution at which you are enrolled, or other individual responsible for athletic programs at such educational institution, that you have entered into an agency contract.".

* * * * * * *

SEC. 9. DISCLOSURE AND CONSENT RELATING TO NAME, IMAGE, AND LIKENESS AGREEMENTS.

(a) IN GENERAL.—An athlete agent who assists a student athlete with an endorsement contract shall disclose in writing to the student athlete—

(1) whether the athlete agent is registered with an interstate intercollegiate athletic association (as defined in section 2 of the SCORE Act); and

(2) if the athlete agent is registered with an interstate intercollegiate athletic association, whether the athlete agent is registered with the interstate intercollegiate athletic association that has as a member the institution (as defined in section 2 of the SCORE Act) at which the student athlete is enrolled.

(b) CONSENT.—In the case of an athlete agent who is not registered with an interstate intercollegiate athletic association, the athlete agent may only assist a student athlete with an endorsement contract if the student athlete (or, in the case of a student athlete who is under 18 years of age, the parent or guardian of the student athlete) provides to the athlete agent written consent for such assistance after receiving the disclosure under subsection (a).

(c) ENFORCEMENT.—

(1) IN GENERAL.—If 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 athlete agent in a practice that violates this section, the attorney general may bring a civil action pursuant to section 5 in the same manner as the attorney general may bring a civil action with respect to a violation of section 3.

(2) SOLE AUTHORITY.—No individual or entity other than an attorney general of a State may enforce this section.

(3) NO FEDERAL NOTICE NECESSARY.—Subsections (a)(2), (b), and (d) of section 5 do not apply to an action brought by an attorney general of a State pursuant to this subsection.

HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE IV—STUDENT ASSISTANCE

* * * * * * *

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

* * * * * * *

SEC. 485. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) INFORMATION DISSEMINATION ACTIVITIES.—(1) Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this title. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974"), together with a statement of the procedures required to obtain such information. The information required by this section shall accurately describe—

(A) the student financial assistance programs available to students who enroll at such institution;

(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

(D) the rights and responsibilities of students receiving financial assistance under this title;

(E) the cost of attending the institution, including (i) tuition and fees *(including the amount of such fees used to support intercollegiate athletic programs)*, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

(F) a statement of—

(i) the requirements of any refund policy with which the institution is required to comply;

(ii) the requirements under section 484B for the return of grant or loan assistance provided under this title; and

(iii) the requirements for officially withdrawing from the institution;

(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, (iii) the faculty and other instructional personnel, and (iv) any plans by the institution for improving the academic program of the institution;

(H) each person designated under subsection (c) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

(I) special facilities and services available to students with disabilities;

(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing;

(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 484(a)(2);

(L) the completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students entering such institutions;

(M) the terms and conditions of the loans that students receive under parts B, D, and E;

(N) that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance;

(O) the campus crime report prepared by the institution pursuant to subsection (f), including all required reporting categories;

(P) institutional policies and sanctions related to copyright infringement, including—

(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

(ii) a summary of the penalties for violation of Federal copyright laws; and

(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system;

(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who—

(i) are male;

(ii) are female;

(iii) receive a Federal Pell Grant; and

(iv) are a self-identified member of a major racial or ethnic group;

(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

(S) the types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of

Student Engagement, State data systems, or other relevant sources;

(T) the fire safety report prepared by the institution pursuant to subsection (i);

(U) the retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering such institution; and

(V) institutional policies regarding vaccinations.

(2) For the purpose of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

(3) In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e), a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

(A) shall be made available by July 1 each year to enrolled students and prospective students prior to the students enrolling or entering into any financial obligation; and

(B) shall cover the one-year period ending on August 31 of the preceding year.

(4) For purposes of this section, institutions may—

(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection; and

(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4) or for students transferring into the institution or information showing the rate at which students transfer out of the institution.

(7)(A)(i) Subject to clause (ii), the information disseminated under paragraph (1)(L), or reported under subsection (e), shall

be disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under part B or D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under part B or D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting will not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.

(ii) The requirements of clause (i) shall not apply to two-year, degree-granting institutions of higher education until academic year 2011-2012.

(B)(i) In order to assist two-year degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e), the Secretary, in consultation with the Commissioner for Education Statistics, shall, not later than 90 days after the date of enactment of the Higher Education Opportunity Act, convene a group of representatives from diverse institutions of higher education, experts in the field of higher education policy, state higher education officials, students, and other stakeholders in the higher education community, to develop recommendations regarding the accurate calculation and reporting of the information required to be disseminated or reported under paragraph (1)(L) and subsection (e) by two-year, degree-granting institutions of higher education. In developing such recommendations, the group of representatives shall consider the mission and role of two-year degree-granting institutions of higher education, and may recommend additional or alternative measures of student success for such institutions in light of the mission and role of such institutions.

(ii) The Secretary shall widely disseminate the recommendations required under this subparagraph to two-year, degree-granting institutions of higher education, the public, and the authorizing committees not later than 18 months after the first meeting of the group of representatives convened under clause (i).

(iii) The Secretary shall use the recommendations from the group of representatives convened under clause (i) to provide technical assistance to two-year, degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e).

(iv) The Secretary may modify the information required to be disseminated or reported under paragraph (1)(L) or subsection (e) by a two-year, degree-granting institution of higher education—

(I) based on the recommendations received under this subparagraph from the group of representatives convened under clause (i);

(II) to include additional or alternative measures of student success if the goals of the provisions of paragraph (1)(L) and subsection (e) can be met through additional means or comparable alternatives; and

(III) during the period beginning on the date of enactment of the Higher Education Opportunity Act, and ending on June 30, 2011.

(b) EXIT COUNSELING FOR BORROWERS.—(1)(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans under section 428B made on behalf of a student) or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made on behalf of a student) or made under part E of this title prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

(i) information on the repayment plans available, including a description of the different features of each plan and sample information showing the average anticipated monthly payments, and the difference in interest paid and total payments, under each plan;

(ii) debt management strategies that are designed to facilitate the repayment of such indebtedness;

(iii) an explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans;

(iv) for any loan forgiveness or cancellation provision of this title, a general description of the terms and conditions under which the borrower may obtain full or partial forgiveness or cancellation of the principal and interest, and a copy of the information provided by the Secretary under section 485(d);

(v) for any forbearance provision of this title, a general description of the terms and conditions under which the borrower may defer repayment of principal or interest or be granted forbearance, and a copy of the information provided by the Secretary under section 485(d);

(vi) the consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

(vii) information on the effects of using a consolidation loan under section 428C or a Federal Direct Consolidation Loan to discharge the borrower's loans under parts B, D, and E, including at a minimum—

(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

(II) the effects of consolidation on a borrower's underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;

(III) the option of the borrower to prepay the loan or to change repayment plans; and

(IV) that borrower benefit programs may vary among different lenders;

(viii) a general description of the types of tax benefits that may be available to borrowers;

(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans; and

(x) an explanation that—

(I) the borrower may be contacted during the repayment period by third-party student debt relief companies;

(II) the borrower should use caution when dealing with those companies; and

(III) the services that those companies typically provide are already offered to borrowers free of charge through the Department or the borrower's servicer; and

(B) In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2)(A) Each eligible institution shall require that the borrower of a loan made under part B, D, or E submit to the institution, during the exit interview required by this subsection—

(i) the borrower's expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii) the name and address of the borrower's expected employer after leaving the institution;

(iii) the address of the borrower's next of kin; and

(iv) any corrections in the institution's records relating the borrower's name, address, social security number, references, and driver's license number.

(B) The institution shall, within 60 days after the interview, forward any corrected or completed information received from the borrower to the guaranty agency indicated on the borrower's student aid records.

(C) Nothing in this subsection shall be construed to prohibit an institution of higher education from utilizing electronic means to provide personalized exit counseling.

(c) FINANCIAL ASSISTANCE INFORMATION PERSONNEL.—Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a). The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this title at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

(d) DEPARTMENTAL PUBLICATION OF DESCRIPTIONS OF ASSISTANCE PROGRAMS.—(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of

Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this title. Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for loans made, insured, or guaranteed under part B and income-based repayment plans for loans made under part D. In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the Department's Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(4) The Secretary shall widely publicize the location of the information described in paragraph (1) among the public, eligible insti-

tutions, and eligible lenders, and promote the use of such information by prospective students, enrolled students, families of prospective and enrolled students, and borrowers.

(e) DISCLOSURES REQUIRED WITH RESPECT TO ATHLETICALLY RELATED STUDENT AID.—(1) Each institution of higher education which participates in any program under this title and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student's parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association's member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.

(3) For purposes of this subsection, institutions may—

(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of

such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by—

(A) individual institutions of higher education; and

(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term "athletically related student aid" means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(9) The reports required by this subsection shall be due each July 1 and shall cover the 1-year period ending August 31 of the preceding year.

(f) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—(1) Each eligible institution participating in any program under this title, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and

security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

(i) the law enforcement authority of campus security personnel;

(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies, when the victim of such crime elects or is unable to make such a report.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

(I) murder;

(II) sex offenses, forcible or nonforcible;

(III) robbery;

(IV) aggravated assault;

(V) burglary;

(VI) motor vehicle theft;

(VII) manslaughter;

(VIII) arson;

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession;

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity,, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice;

(iii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies; and

(iv) of hazing incidents that were reported to campus security authorities or local police agencies.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 120 of this Act.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;

(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

(iii) test emergency response and evacuation procedures on an annual basis.

(K) A statement of current policies relating to hazing (as defined by the institution), how to report incidents of such hazing, and the process used to investigate such incidents of hazing, and information on applicable local, State, and Tribal laws on hazing (as defined by such local, State, and Tribal laws).

(L) A statement of policy regarding prevention and awareness programs related to hazing (as defined by the institution) that includes a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty, which includes—

(i) the information referred to in subparagraph (K); and

(ii) primary prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by

institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this title, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this title, other than a foreign institution of higher education, that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including—

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this title, other than a foreign institution of higher education, shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

(A) review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)(A) In this subsection:

(i) The terms "dating violence", "domestic violence", and "stalking" have the meaning given such terms in section

40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(ii) The term "campus" means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(iii) The term "noncampus building or property" means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iv) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(v) The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

(vi) The term "hazing", for purposes of reporting statistics on hazing incidents under paragraph (1)(F)(iv), means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

(I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

(II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—

(aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

(bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

(cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;

(dd) causing, coercing, or otherwise inducing another person to perform sexual acts;

(ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

(ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and

(gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

(vii) The term "student organization", for purposes of reporting under paragraph (1)(F)(iv) and paragraph (9)(A), means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in clauses (i) and (ii) of paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this title and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

(i) such institution's programs to prevent domestic violence, dating violence, sexual assault, and stalking; and

(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;

(cc) the definition of consent, in reference to sexual activity, in the applicable jurisdiction;

(dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

(ff) the information described in clauses (ii) through (vii); and

(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

(ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

(iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—

(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

(II) to whom the alleged offense should be reported;

(III) options regarding law enforcement and campus authorities, including notification of the victim's option to—

(aa) notify proper law enforcement authorities, including on-campus and local police;

(bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(cc) decline to notify such authorities; and

(IV) where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

(I) such proceedings shall—

(aa) provide a prompt, fair, and impartial investigation and resolution; and

(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and

(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

(aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

(bb) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

(cc) of any change to the results that occurs prior to the time that such results become final; and

(dd) when such results become final.

(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options, as described in clauses (ii) through (vii) of subparagraph (B).

(9)(A) Each institution participating in any program under this title, other than a foreign institution of higher education, shall develop, in accordance with the institution's statement of policy relating to hazing under paragraph (1)(K), a report (which shall be referred to as the "Campus Hazing Transparency Report") summarizing findings concerning any student organization (except that this shall only apply to student organizations that are established or recognized by the institution) found to be in violation of an institution's standards of conduct relating to hazing, as defined by the

institution, (hereinafter referred to in this paragraph as a "hazing violation") that requires the institution to—

(i) beginning July 1, 2025, collect information with respect to hazing incidents at the institution;

(ii) not later than 12 months after the date of the enactment of the Stop Campus Hazing Act, make the Campus Hazing Transparency Report publicly available on the public website of the institution; and

(iii) not less frequently than 2 times each year, update the Campus Hazing Transparency Report to include, for the period beginning on the date on which the Report was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including—

(I) the name of such student organization;

(II) a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the institution, and any sanctions placed on the student organization by the institution, as applicable; and

(III) the dates on which—

(aa) the incident was alleged to have occurred;

(bb) the investigation into the incident was initiated;

(cc) the investigation ended with a finding that a hazing violation occurred; and

(dd) the institution provided notice to the student organization that the incident resulted in a hazing violation.

(B) The Campus Hazing Transparency Report may include—

(i) to satisfy the requirements of this paragraph, information that—

(I) is included as part of a report published by the institution; and

(II) meets the requirements of the Campus Hazing Transparency Report; and

(ii) any additional information—

(I) determined by the institution to be necessary; or

(II) reported as required by State law.

(C) The Campus Hazing Transparency Report shall not include any personally identifiable information, including any information that would reveal personally identifiable information, about any individual student in accordance with section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974").

(D) The institution shall publish, in a prominent location on the public website of the institution, the Campus Hazing Transparency Report, including—

(i) a statement notifying the public of the annual availability of statistics on hazing pursuant to the report required under paragraph (1)(F), including a link to such report;

(ii) information about the institution's policies relating to hazing under paragraph (1)(K) and applicable local, State, and Tribal laws on hazing; and

(iii) the information included in each update required under subparagraph (A)(iii), which shall be maintained for a period of 5 calendar years from the date of publication of such update.

(E) The institution may include, as part of the publication of the Campus Hazing Transparency Report under subparagraph (D), a description of the purposes of, and differences between—

(i) the report required under paragraph (1)(F); and

(ii) the Campus Hazing Transparency Report required under this paragraph.

(F) For purposes of this paragraph, the definition of "campus" under paragraph (6)(A)(ii) shall not apply.

(G) An institution described in subparagraph (A) is not required to—

(i) develop the Campus Hazing Transparency Report under this subsection until such institution has a finding of a hazing violation; or

(ii) update the Campus Hazing Transparency Report in accordance with clause (iii) of subparagraph (A) for a period described in such clause if such institution does not have a finding of a hazing violation for such period.

(10) The Secretary, in consultation with the Attorney General of the United States, shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(11) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(12) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(13) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(14) Upon a determination pursuant to section 487(c)(3)(B) that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 487(c)(3)(B).

(15)(A) Nothing in this subsection may be construed to—

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency,

board, or other entity, except with respect to an action to enforce this subsection.

(16) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(17)(A) The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(B) The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.

(18) No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.

(19) This subsection may be cited as the "Jeanne Clery Campus Safety Act".

(g) DATA REQUIRED.—

(1) IN GENERAL.—Each coeducational institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A) The number of male and female full-time undergraduates that attended the institution.

(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis.

Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men's and women's teams overall.

(F) The total annual revenues generated across all men's teams and across all women's teams, except that an institution may also report such revenues by individual team.

(G) The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

(I)(i) The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, [broadcast revenues] *media rights revenues (including revenues from broadcasting, streaming, or digital distribution of intercollegiate athletic events)*, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)(i) The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

(K) With respect to fees charged to students to support intercollegiate athletic programs—

(i) the total amount of such fees charged to students;

(ii) the uses of such fees with respect to facilities, operating expenses, scholarships, payments to athletes,

salaries of coaches and support staff, and any other expenses reported under this paragraph; and

(iii) the percentage of the total cost of such programs covered by such fees.

(2) SPECIAL RULE.—For the purposes of paragraph (1)(G), if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

(3) DISCLOSURE OF INFORMATION TO STUDENTS AND PUBLIC.—An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except [that all students] *that—*

(A) all students shall be informed of their right to request such information[.]*; and*

(B) with respect to the information described in paragraph (1)(K), the institution shall annually publish such information on a publicly available website of the institution not later than October 15 following the end of each fiscal year of the institution.

(4) SUBMISSION; REPORT; INFORMATION AVAILABILITY.—(A) On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B) The Secretary shall ensure that the reports described in subparagraph (A) are made available to the public within a reasonable period of time.

(C) Not later than 180 days after the date of enactment of the Higher Education Amendments of 1998, the Secretary shall notify all secondary schools in all States regarding the availability of the information made available under paragraph (1), and how such information may be accessed.

(5) DEFINITION.—For the purposes of this subsection, the term "operating expenses" means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

(h) TRANSFER OF CREDIT POLICIES.—

(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose, in a readable and comprehensible manner, the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

(B) a list of institutions of higher education with which the institution has established an articulation agreement.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

(C) limit the application of the General Education Provisions Act; or

(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

(i) the number of fires and the cause of each fire;

(ii) the number of injuries related to a fire that result in treatment at a medical facility;

(iii) the number of deaths related to a fire; and

(iv) the value of property damage caused by a fire;

(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

(C) the number of regular mandatory supervised fire drills;

(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

(E) plans for future improvements in fire safety, if determined necessary by such institution.

(2) REPORT TO THE SECRETARY.—Each institution described in paragraph (1) shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution described in paragraph (1) shall—

(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

(B) make annual reports to the campus community on such fires.

(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

(A) make the statistics submitted under paragraph (1)(A) to the Secretary available to the public; and

(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

(i) identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;

(ii) disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;

(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

(iv) develop a protocol for institutions to review the status of their fire safety systems.

(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

(B) affect section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(D) establish any standard of care.

(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(j) MISSING PERSON PROCEDURES.—

(1) OPTION AND PROCEDURES.—Each institution of higher education that provides on-campus housing and participates in any program under this title shall—

(A) establish a missing student notification policy for students who reside in on-campus housing that—

(i) informs each such student that such student has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by the institution under subparagraph (B);

(ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours;

(iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing in accordance with such procedures;

(iv) informs each such residing student that the institution will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; and

(v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student's designation; and

(B) establish official notification procedures for a missing student who resides in on-campus housing that—

(i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours;

(ii) requires any official missing person report relating to such student be referred immediately to the institution's police or campus security department; and

(iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires—

(I) such department to contact the individual identified by such student under subparagraph (A)(i);

(II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and

(III) if subclauses (I) or (II) do not apply to a student determined to be a missing person, inform the appropriate law enforcement agency.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to provide a private right of action to any person to enforce any provision of this subsection; or

(B) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

(l) ENTRANCE COUNSELING FOR BORROWERS.—

(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time borrower of a loan made, insured, or guaranteed under part B (other than a loan made pursuant to section 428C or a loan made on behalf of a student pursuant to section 428B) or made under part D (other than a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student), ensure that the borrower receives comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan in accordance with paragraph (2). Such information—

(i) shall be provided in a simple and understandable manner; and

(ii) may be provided—

(I) during an entrance counseling session conduction in person;

(II) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

(III) online, with the borrower acknowledging receipt of the information.

(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrower's understanding of the terms and conditions of the borrower's loans under part B or D, using simple and understandable language and clear formatting.

(2) INFORMATION TO BE PROVIDED.—The information to be provided to the borrower under paragraph (1)(A) shall include the following:

(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

(B) An explanation of the use of the master promissory note.

(C) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.

(D) In the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.

(E) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment.

(F) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit

counseling, including information regarding the borrower's repayment options and loan consolidation.

(G) Sample monthly repayment amounts based on—

(i) a range of levels of indebtedness of—

(I) borrowers of loans under section 428 or 428H; and

(II) as appropriate, graduate borrowers of loans under section 428, 428B, or 428H; or

(ii) the average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution.

(H) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.

(I) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.

(J) Information on the National Student Loan Data System and how the borrower can access the borrower's records.

(K) The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.

(m) DISCLOSURES OF REIMBURSEMENTS FOR SERVICE ON ADVISORY BOARDS.—

(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall report, on an annual basis, to the Secretary, any reasonable expenses paid or provided under section 140(d) of the Truth in Lending Act to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. Such reports shall include—

(A) the amount for each specific instance of reasonable expenses paid or provided;

(B) the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;

(C) the dates of the activity for which the expenses were paid or provided; and

(D) a brief description of the activity for which the expenses were paid or provided.

(2) REPORT TO CONGRESS.—The Secretary shall summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.

* * * * * * *

SEC. 487. PROGRAM PARTICIPATION AGREEMENTS.

(a) REQUIRED FOR PROGRAMS OF ASSISTANCE; CONTENTS.—In order to be an eligible institution for the purposes of any program authorized under this title, an institution must be an institution of higher education or an eligible institution (as that term is defined

for the purpose of that program) and shall, except with respect to a program under subpart 4 of part A, enter into a program participation agreement with the Secretary. The agreement shall condition the initial and continuing eligibility of an institution to participate in a program upon compliance with the following requirements:

(1) The institution will use funds received by it for any program under this title and any interest or other earnings thereon solely for the purpose specified in and in accordance with the provision of that program.

(2) The institution shall not charge any student a fee for processing or handling any application, form, or data required to determine the student's eligibility for assistance under this title or the amount of such assistance.

(3) The institution will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of funds received from the Secretary or from students under this title, together with assurances that the institution will provide, upon request and in a timely fashion, information relating to the administrative capability and financial responsibility of the institution to—

(A) the Secretary;

(B) the appropriate guaranty agency; and

(C) the appropriate accrediting agency or association.

(4) The institution will comply with the provisions of subsection (c) of this section and the regulations prescribed under that subsection, relating to fiscal eligibility.

(5) The institution will submit reports to the Secretary and, in the case of an institution participating in a program under part B or part E, to holders of loans made to the institution's students under such parts at such times and containing such information as the Secretary may reasonably require to carry out the purpose of this title.

(6) The institution will not provide any student with any statement or certification to any lender under part B that qualifies the student for a loan or loans in excess of the amount that student is eligible to borrow in accordance with sections 425(a), 428(a)(2), and 428(b)(1) (A) and (B).

(7) The institution will comply with the requirements of section 485.

(8) In the case of an institution that advertises job placement rates as a means of attracting students to enroll in the institution, the institution will make available to prospective students, at or before the time of application (A) the most recent available data concerning employment statistics, graduation statistics, and any other information necessary to substantiate the truthfulness of the advertisements, and (B) relevant State licensing requirements of the State in which such institution is located for any job for which the course of instruction is designed to prepare such prospective students.

(9) In the case of an institution participating in a program under part B or D, the institution will inform all eligible borrowers enrolled in the institution about the availability and eligibility of such borrowers for State grant assistance from the

State in which the institution is located, and will inform such borrowers from another State of the source for further information concerning such assistance from that State.

(10) The institution certifies that it has in operation a drug abuse prevention program that is determined by the institution to be accessible to any officer, employee, or student at the institution.

(11) In the case of any institution whose students receive financial assistance pursuant to section 484(d), the institution will make available to such students a program proven successful in assisting students in obtaining a certificate of high school equivalency.

(12) The institution certifies that—

(A) the institution has established a campus security policy; and

(B) the institution has complied with the disclosure requirements of section 485(f).

(13) The institution will not deny any form of Federal financial aid to any student who meets the eligibility requirements of this title on the grounds that the student is participating in a program of study abroad approved for credit by the institution.

(14)(A) The institution, in order to participate as an eligible institution under part B or D, will develop a Default Management Plan for approval by the Secretary as part of its initial application for certification as an eligible institution and will implement such Plan for two years thereafter.

(B) Any institution of higher education which changes ownership and any eligible institution which changes its status as a parent or subordinate institution shall, in order to participate as an eligible institution under part B or D, develop a Default Management Plan for approval by the Secretary and implement such Plan for two years after its change of ownership or status.

(C) This paragraph shall not apply in the case of an institution in which (i) neither the parent nor the subordinate institution has a cohort default rate in excess of 10 percent, and (ii) the new owner of such parent or subordinate institution does not, and has not, owned any other institution with a cohort default rate in excess of 10 percent.

(15) The institution acknowledges the authority of the Secretary, guaranty agencies, lenders, accrediting agencies, the Secretary of Veterans Affairs, and the State agencies under subpart 1 of part H to share with each other any information pertaining to the institution's eligibility to participate in programs under this title or any information on fraud and abuse.

(16)(A) The institution will not knowingly employ an individual in a capacity that involves the administration of programs under this title, or the receipt of program funds under this title, who has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under this title, or has been judicially determined to have committed fraud involving funds under this title or contract with an institution or third party servicer that has been terminated under section 432 involving the ac-

quisition, use, or expenditure of funds under this title, or who has been judicially determined to have committed fraud involving funds under this title.

(B) The institution will not knowingly contract with or employ any individual, agency, or organization that has been, or whose officers or employees have been—

(i) convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under this title; or

(ii) judicially determined to have committed fraud involving funds under this title.

(17) The institution will complete surveys conducted as a part of the Integrated Postsecondary Education Data System (IPEDS) or any other Federal postsecondary institution data collection effort, as designated by the Secretary, in a timely manner and to the satisfaction of the Secretary.

(18) The institution will meet the requirements established pursuant to section 485(g).

(19) The institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that the student borrow additional funds, on any student because of the student's inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of the proceeds of a loan made under this title due to compliance with the provisions of this title, or delays attributable to the institution.

(20) The institution will not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except that this paragraph shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(21) The institution will meet the requirements established by the Secretary and accrediting agencies or associations, and will provide evidence to the Secretary that the institution has the authority to operate within a State.

(22) The institution will comply with the refund policy established pursuant to section 484B.

(23)(A) The institution, if located in a State to which section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) does not apply, will make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.

(B) The institution shall request the forms from the State 120 days prior to the deadline for registering to vote within the State. If an institution has not received a sufficient quantity of forms to fulfill this section from the State within 60 days prior to the deadline for registering to vote in the State, the institu-

tion shall not be held liable for not meeting the requirements of this section during that election year.

(C) This paragraph shall apply to general and special elections for Federal office, as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)), and to the elections for Governor or other chief executive within such State).

(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted exclusively to voter registration.

(24) In the case of a proprietary institution of higher education (as defined in section 102(b)), such institution will derive not less than ten percent of such institution's revenues from sources other than Federal funds that are disbursed or delivered to or on behalf of a student to be used to attend such institution (referred to in this paragraph and subsection (d) as "Federal education assistance funds"), as calculated in accordance with subsection (d)(1), or will be subject to the sanctions described in subsection (d)(2).

(25) In the case of an institution that participates in a loan program under this title, the institution will—

(A) develop a code of conduct with respect to such loans with which the institution's officers, employees, and agents shall comply, that—

(i) prohibits a conflict of interest with the responsibilities of an officer, employee, or agent of an institution with respect to such loans; and

(ii) at a minimum, includes the provisions described in subsection (e);

(B) publish such code of conduct prominently on the institution's website; and

(C) administer and enforce such code by, at a minimum, requiring that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct.

(26) The institution will, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

(27) In the case of an institution that has entered into a preferred lender arrangement, the institution will at least annually compile, maintain, and make available for students attending the institution, and the families of such students, a

list, in print or other medium, of the specific lenders for loans made, insured, or guaranteed under this title or private education loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In making such list, the institution shall comply with the requirements of subsection (h).

(28)(A) The institution will, upon the request of an applicant for a private education loan, provide to the applicant the form required under section 128(e)(3) of the Truth in Lending Act (15 U.S.C. 1638(e)(3)), and the information required to complete such form, to the extent the institution possesses such information.

(B) For purposes of this paragraph, the term "private education loan" has the meaning given such term in section 140 of the Truth in Lending Act.

(29) The institution certifies that the institution—

(A) has developed plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents; and

(B) will, to the extent practicable, offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property, as determined by the institution in consultation with the chief technology officer or other designated officer of the institution.

(30) In the case of an institution described in subsection (c) of section 5 of the SCORE Act, the institution will comply with subsection (a) of such section.

(31)(A) Beginning in academic year 2028–2029, and each succeeding academic year, the institution will determine the average annual media rights revenue of such institution by averaging the media rights revenues reported under section 485(g)(1)(I) for the second and third preceding academic years.

(B) In the case of an institution with an average annual media rights revenue of $50,000,000 or more, as determined under subparagraph (A) for an academic year, the institution will not, for the first academic year that begins after such academic year, use student fees to support intercollegiate athletic programs (including with respect to facilities, operating expenses (as defined in section 485(g)(5)), scholarships, payments to athletes, salaries of coaches and support staff, and any other expenses reported under section 485(g)(1)).

(b) HEARINGS.—(1) An institution that has received written notice of a final audit or program review determination and that desires to have such determination reviewed by the Secretary shall submit to the Secretary a written request for review not later than 45 days after receipt of notification of the final audit or program review determination.

(2) The Secretary shall, upon receipt of written notice under paragraph (1), arrange for a hearing and notify the institution within 30 days of receipt of such notice the date, time, and place of such hearing. Such hearing shall take place not later than 120 days from the date upon which the Secretary notifies the institution.

(c) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—(1) Notwithstanding any other provisions of this title, the Secretary shall prescribe such regulations as may be necessary to provide for—

(A)(i) except as provided in clauses (ii) and (iii), a financial audit of an eligible institution with regard to the financial condition of the institution in its entirety, and a compliance audit of such institution with regard to any funds obtained by it under this title or obtained from a student or a parent who has a loan insured or guaranteed by the Secretary under this title, on at least an annual basis and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary and shall be available to cognizant guaranty agencies, eligible lenders, State agencies, and the appropriate State agency notifying the Secretary under subpart 1 of part H, except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period;

(ii) with regard to an eligible institution which is audited under chapter 75 of title 31, United States Code, deeming such audit to satisfy the requirements of clause (i) for the period covered by such audit; or

(iii) at the discretion of the Secretary, with regard to an eligible institution (other than an eligible institution described in section 102(a)(1)(C)) that has obtained less than $200,000 in funds under this title during each of the 2 award years that precede the audit period and submits a letter of credit payable to the Secretary equal to not less than ½ of the annual potential liabilities of such institution as determined by the Secretary, deeming an audit conducted every 3 years to satisfy the requirements of clause (i), except for the award year immediately preceding renewal of the institution's eligibility under section 498(g);

(B) in matters not governed by specific program provisions, the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid under this title, including any matter the Secretary deems necessary to the sound administration of the financial aid programs, such as the pertinent actions of any owner, shareholder, or person exercising control over an eligible institution;

(C)(i) except as provided in clause (ii), a compliance audit of a third party servicer (other than with respect to the servicer's functions as a lender if such functions are otherwise audited under this part and such audits meet the requirements of this clause), with regard to any contract with an eligible institution, guaranty agency, or lender for administering or servicing any

aspect of the student assistance programs under this title, at least once every year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a third party servicer that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of clause (i) for the period covered by such audit;

(D)(i) a compliance audit of a secondary market with regard to its transactions involving, and its servicing and collection of, loans made under this title, at least once a year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a secondary market that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of clause (i) for the period covered by the audit;

(E) the establishment, by each eligible institution under part B responsible for furnishing to the lender the statement required by section 428(a)(2)(A)(i), of policies and procedures by which the latest known address and enrollment status of any student who has had a loan insured under this part and who has either formally terminated his enrollment, or failed to re-enroll on at least a half-time basis, at such institution, shall be furnished either to the holder (or if unknown, the insurer) of the note, not later than 60 days after such termination or failure to re-enroll;

(F) the limitation, suspension, or termination of the participation in any program under this title of an eligible institution, or the imposition of a civil penalty under paragraph (3)(B) whenever the Secretary has determined, after reasonable notice and opportunity for hearing, that such institution has violated or failed to carry out any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation, except that no period of suspension under this section shall exceed 60 days unless the institution and the Secretary agree to an extension or unless limitation or termination proceedings are initiated by the Secretary within that period of time;

(G) an emergency action against an institution, under which the Secretary shall, effective on the date on which a notice and statement of the basis of the action is mailed to the institution (by registered mail, return receipt requested), withhold funds from the institution or its students and withdraw the institution's authority to obligate funds under any program under this title, if the Secretary—

(i) receives information, determined by the Secretary to be reliable, that the institution is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation,

(ii) determines that immediate action is necessary to prevent misuse of Federal funds, and

(iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (D) for limitation, suspension, or termination,

except that an emergency action shall not exceed 30 days unless limitation, suspension, or termination proceedings are initiated by the Secretary against the institution within that period of time, and except that the Secretary shall provide the institution an opportunity to show cause, if it so requests, that the emergency action is unwarranted;

(H) the limitation, suspension, or termination of the eligibility of a third party servicer to contract with any institution to administer any aspect of an institution's student assistance program under this title, or the imposition of a civil penalty under paragraph (3)(B), whenever the Secretary has determined, after reasonable notice and opportunity for a hearing, that such organization, acting on behalf of an institution, has violated or failed to carry out any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation, except that no period of suspension under this subparagraph shall exceed 60 days unless the organization and the Secretary agree to an extension, or unless limitation or termination proceedings are initiated by the Secretary against the individual or organization within that period of time; and

(I) an emergency action against a third party servicer that has contracted with an institution to administer any aspect of the institution's student assistance program under this title, under which the Secretary shall, effective on the date on which a notice and statement of the basis of the action is mailed to such individual or organization (by registered mail, return receipt requested), withhold funds from the individual or organization and withdraw the individual or organization's authority to act on behalf of an institution under any program under this title, if the Secretary—

(i) receives information, determined by the Secretary to be reliable, that the individual or organization, acting on behalf of an institution, is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation,

(ii) determines that immediate action is necessary to prevent misuse of Federal funds, and

(iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (F), for limitation, suspension, or termination,

except that an emergency action shall not exceed 30 days unless the limitation, suspension, or termination proceedings are initiated by the Secretary against the individual or organization within that period of time, and except that the Secretary

shall provide the individual or organization an opportunity to show cause, if it so requests, that the emergency action is unwarranted.

(2) If an individual who, or entity that, exercises substantial control, as determined by the Secretary in accordance with the definition of substantial control in subpart 3 of part H, over one or more institutions participating in any program under this title, or, for purposes of paragraphs (1) (H) and (I), over one or more organizations that contract with an institution to administer any aspect of the institution's student assistance program under this title, is determined to have committed one or more violations of the requirements of any program under this title, or has been suspended or debarred in accordance with the regulations of the Secretary, the Secretary may use such determination, suspension, or debarment as the basis for imposing an emergency action on, or limiting, suspending, or terminating, in a single proceeding, the participation of any or all institutions under the substantial control of that individual or entity.

(3)(A) Upon determination, after reasonable notice and opportunity for a hearing, that an eligible institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates, the Secretary may suspend or terminate the eligibility status for any or all programs under this title of any otherwise eligible institution, in accordance with procedures specified in paragraph (1)(D) of this subsection, until the Secretary finds that such practices have been corrected.

(B)(i) Upon determination, after reasonable notice and opportunity for a hearing, that an eligible institution—

(I) has violated or failed to carry out any provision of this title or any regulation prescribed under this title; or

(II) has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, and the employability of its graduates,

the Secretary may impose a civil penalty upon such institution of not to exceed $25,000 for each violation or misrepresentation.

(ii) Any civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the institution of higher education subject to the determination, and the gravity of the violation, failure, or misrepresentation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the institution charged.

(4) The Secretary shall publish a list of State agencies which the Secretary determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs.

(5) The Secretary shall make readily available to appropriate guaranty agencies, eligible lenders, State agencies notifying the Secretary under subpart 1 of part H, and accrediting agencies or associations the results of the audits of eligible institutions conducted pursuant to paragraph (1)(A).

(6) The Secretary is authorized to provide any information collected as a result of audits conducted under this section, together with audit information collected by guaranty agencies, to any Federal or State agency having responsibilities with respect to student financial assistance, including those referred to in subsection (a)(15) of this section.

(7) Effective with respect to any audit conducted under this subsection after December 31, 1988, if, in the course of conducting any such audit, the personnel of the Department of Education discover, or are informed of, grants or other assistance provided by an institution in accordance with this title for which the institution has not received funds appropriated under this title (in the amount necessary to provide such assistance), including funds for which reimbursement was not requested prior to such discovery or information, such institution shall be permitted to offset that amount against any sums determined to be owed by the institution pursuant to such audit, or to receive reimbursement for that amount (if the institution does not owe any such sums).

(d) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—

(1) CALCULATION.—In making calculations under subsection (a)(24), a proprietary institution of higher education shall—

(A) use the cash basis of accounting, except in the case of loans described in subparagraph (D)(i) that are made by the proprietary institution of higher education;

(B) consider as revenue only those funds generated by the institution from—

(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

(ii) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

(I) conducted on campus or at a facility under the control of the institution;

(II) performed under the supervision of a member of the institution's faculty; and

(III) required to be performed by all students in a specific educational program at the institution; and

(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, if the program—

(I) is approved or licensed by the appropriate State agency;

(II) is accredited by an accrediting agency recognized by the Secretary; or

(III) provides an industry-recognized credential or certification;

(C) presume that any Federal education assistance funds that are disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those

funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

(ii) funds provided under a contractual arrangement with a Federal, State, or local government agency for the purpose of providing job training to low-income individuals who are in need of that training;

(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986; or

(iv) institutional scholarships described in subparagraph (D)(iii);

(D) include institutional aid as revenue to the school only as follows:

(i) in the case of loans made by a proprietary institution of higher education on or after July 1, 2008 and prior to July 1, 2012, the net present value of such loans made by the institution during the applicable institutional fiscal year accounted for on an accrual basis and estimated in accordance with generally accepted accounting principles and related standards and guidance, if the loans—

(I) are bona fide as evidenced by enforceable promissory notes;

(II) are issued at intervals related to the institution's enrollment periods; and

(III) are subject to regular loan repayments and collections;

(ii) in the case of loans made by a proprietary institution of higher education on or after July 1, 2012, only the amount of loan repayments received during the applicable institutional fiscal year, excluding repayments on loans made and accounted for as specified in clause (i); and

(iii) in the case of scholarships provided by a proprietary institution of higher education, only those scholarships provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during each fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;

(E) in the case of each student who receives a loan on or after July 1, 2008, and prior to July 1, 2011, that is authorized under section 428H or that is a Federal Direct Unsubsidized Stafford Loan, treat as revenue received by the institution from sources other than funds received under this title, the amount by which the disbursement of such loan received by the institution exceeds the limit on such loan in effect on the day before the date of enactment

of the Ensuring Continued Access to Student Loans Act of 2008; and

(F) exclude from revenues—

(i) the amount of funds the institution received under part C, unless the institution used those funds to pay a student's institutional charges;

(ii) the amount of funds the institution received under subpart 4 of part A;

(iii) the amount of funds provided by the institution as matching funds for a program under this title;

(iv) the amount of funds provided by the institution for a program under this title that are required to be refunded or returned; and

(v) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

(2) SANCTIONS.—

(A) INELIGIBILITY.—A proprietary institution of higher education that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in the programs authorized by this title for a period of not less than two institutional fiscal years. To regain eligibility to participate in the programs authorized by this title, a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements under section 498 for a minimum of two institutional fiscal years after the institutional fiscal year in which the institution became ineligible.

(B) ADDITIONAL ENFORCEMENT.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if a proprietary institution of higher education fails to meet a requirement of subsection (a)(24) for any institutional fiscal year, then the institution's eligibility to participate in the programs authorized by this title becomes provisional for the two institutional fiscal years after the institutional fiscal year in which the institution failed to meet the requirement of subsection (a)(24), except that such provisional eligibility shall terminate—

(i) on the expiration date of the institution's program participation agreement under this subsection that is in effect on the date the Secretary determines that the institution failed to meet the requirement of subsection (a)(24); or

(ii) in the case that the Secretary determines that the institution failed to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years, on the date the institution is determined ineligible in accordance with subparagraph (A).

(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose on the College Navigator website—

(A) the identity of any proprietary institution of higher education that fails to meet a requirement of subsection (a)(24); and

(B) the extent to which the institution failed to meet such requirement.

(4) REPORT TO CONGRESS.—Not later than July 1, 2009, and July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under this title, as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of subsection (a)(24)—

(A) the amount and percentage of such institution's revenues received from sources under this title; and

(B) the amount and percentage of such institution's revenues received from other sources.

(e) CODE OF CONDUCT REQUIREMENTS.—An institution of higher education's code of conduct, as required under subsection (a)(25), shall include the following requirements:

(1) BAN ON REVENUE-SHARING ARRANGEMENTS.—

(A) PROHIBITION.—The institution shall not enter into any revenue-sharing arrangement with any lender.

(B) DEFINITION.—For purposes of this paragraph, the term "revenue-sharing arrangement" means an arrangement between an institution and a lender under which—

(i) a lender provides or issues a loan that is made, insured, or guaranteed under this title to students attending the institution or to the families of such students; and

(ii) the institution recommends the lender or the loan products of the lender and in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution, an officer or employee of the institution, or an agent.

(2) GIFT BAN.—

(A) PROHIBITION.—No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift from a lender, guarantor, or servicer of education loans.

(B) DEFINITION OF GIFT.—

(i) IN GENERAL.—In this paragraph, the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(ii) EXCEPTIONS.—The term "gift" shall not include any of the following:

(I) Standard material, activities, or programs on issues related to a loan, default aversion, default

prevention, or financial literacy, such as a brochure, a workshop, or training.

(II) Food, refreshments, training, or informational material furnished to an officer or employee of an institution, or to an agent, as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of education loans to the institution, if such training contributes to the professional development of the officer, employee, or agent.

(III) Favorable terms, conditions, and borrower benefits on an education loan provided to a student employed by the institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

(IV) Entrance and exit counseling services provided to borrowers to meet the institution's responsibilities for entrance and exit counseling as required by subsections (b) and (l) of section 485, as long as—

(aa) the institution's staff are in control of the counseling, (whether in person or via electronic capabilities); and

(bb) such counseling does not promote the products or services of any specific lender.

(V) Philanthropic contributions to an institution from a lender, servicer, or guarantor of education loans that are unrelated to education loans or any contribution from any lender, guarantor, or servicer that is not made in exchange for any advantage related to education loans.

(VI) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

(iii) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this paragraph, a gift to a family member of an officer or employee of an institution, to a family member of an agent, or to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

(I) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

(II) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

(3) CONTRACTING ARRANGEMENTS PROHIBITED.—

(A) PROHIBITION.—An officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other

contract to provide services to a lender or on behalf of a lender relating to education loans.

(B) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

(i) an officer or employee of an institution who is not employed in the institution's financial aid office and who does not otherwise have responsibilities with respect to education loans, or an agent who does not have responsibilities with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans;

(ii) an officer or employee of the institution who is not employed in the institution's financial aid office but who has responsibility with respect to education loans as a result of a position held at the institution, or an agent who has responsibility with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans, if the institution has a written conflict of interest policy that clearly sets forth that officers, employees, or agents must recuse themselves from participating in any decision of the board regarding education loans at the institution; or

(iii) an officer, employee, or contractor of a lender, guarantor, or servicer of education loans from serving on a board of directors, or serving as a trustee, of an institution, if the institution has a written conflict of interest policy that the board member or trustee must recuse themselves from any decision regarding education loans at the institution.

(4) INTERACTION WITH BORROWERS.—The institution shall not—

(A) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or

(B) refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

(5) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

(A) PROHIBITION.—The institution shall not request or accept from any lender any offer of funds to be used for private education loans (as defined in section 140 of the Truth in Lending Act), including funds for an opportunity pool loan, to students in exchange for the institution providing concessions or promises regarding providing the lender with—

(i) a specified number of loans made, insured, or guaranteed under this title;

(ii) a specified loan volume of such loans; or

(iii) a preferred lender arrangement for such loans.

(B) DEFINITION OF OPPORTUNITY POOL LOAN.—In this paragraph, the term "opportunity pool loan" means a private education loan made by a lender to a student attending the institution or the family member of such a student

that involves a payment, directly or indirectly, by such institution of points, premiums, additional interest, or financial support to such lender for the purpose of such lender extending credit to the student or the family.

(6) BAN ON STAFFING ASSISTANCE.—

(A) PROHIBITION.—The institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

(B) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit the institution from requesting or accepting assistance from a lender related to—

(i) professional development training for financial aid administrators;

(ii) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

(iii) staffing services on a short-term, nonrecurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

(7) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

(f) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(3), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term "teach-out plan" means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

(g) INSPECTOR GENERAL REPORT ON GIFT BAN VIOLATIONS.—The Inspector General of the Department shall—

(1) submit an annual report to the authorizing committees identifying all violations of an institution's code of conduct that the Inspector General has substantiated during the preceding year relating to the gift ban provisions described in subsection (e)(2); and

(2) make the report available to the public through the Department's website.

(h) PREFERRED LENDER LIST REQUIREMENTS.—

(1) IN GENERAL.—In compiling, maintaining, and making available a preferred lender list as required under subsection (a)(27), the institution will—

(A) clearly and fully disclose on such preferred lender list—

(i) not less than the information required to be disclosed under section 153(a)(2)(A);

(ii) why the institution has entered into a preferred lender arrangement with each lender on the preferred lender list, particularly with respect to terms and conditions or provisions favorable to the borrower; and

(iii) that the students attending the institution, or the families of such students, do not have to borrow from a lender on the preferred lender list;

(B) ensure, through the use of the list of lender affiliates provided by the Secretary under paragraph (2), that—

(i) there are not less than three lenders of loans made under part B that are not affiliates of each other included on the preferred lender list and, if the institution recommends, promotes, or endorses private education loans, there are not less than two lenders of private education loans that are not affiliates of each other included on the preferred lender list; and

(ii) the preferred lender list under this paragraph—

(I) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the preferred lender list; and

(II) if a lender is an affiliate of another lender on the preferred lender list, describes the details of such affiliation;

(C) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the best interests of the borrowers, including—

(i) payment of origination or other fees on behalf of the borrower;

(ii) highly competitive interest rates, or other terms and conditions or provisions of loans under this title or private education loans;

(iii) high-quality servicing for such loans; or

(iv) additional benefits beyond the standard terms and conditions or provisions for such loans;

(D) exercise a duty of care and a duty of loyalty to compile the preferred lender list under this paragraph without

prejudice and for the sole benefit of the students attending the institution, or the families of such students;

(E) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delay in loan certification under this title for those borrowers who choose a lender that is not included on the preferred lender list; and

(F) comply with such other requirements as the Secretary may prescribe by regulation.

(2) LENDER AFFILIATES LIST.—

(A) IN GENERAL.—The Secretary shall maintain and regularly update a list of lender affiliates of all eligible lenders, and shall provide such list to institutions for use in carrying out paragraph (1)(B).

(B) USE OF MOST RECENT LIST.—An institution shall use the most recent list of lender affiliates provided by the Secretary under subparagraph (A) in carrying out paragraph (1)(B).

(i) DEFINITIONS.—For the purpose of this section:

(1) AGENT.—The term "agent" has the meaning given the term in section 151.

(2) AFFILIATE.—The term "affiliate" means a person that controls, is controlled by, or is under common control with another person. A person controls, is controlled by, or is under common control with another person if—

(A) the person directly or indirectly, or acting through one or more others, owns, controls, or has the power to vote five percent or more of any class of voting securities of such other person;

(B) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

(C) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person's education loans.

(3) EDUCATION LOAN.—The term "education loan" has the meaning given the term in section 151.

(4) ELIGIBLE INSTITUTION.—The term "eligible institution" means any such institution described in section 102 of this Act.

(5) OFFICER.—The term "officer" has the meaning given the term in section 151.

(6) PREFERRED LENDER ARRANGEMENT.—The term "preferred lender arrangement" has the meaning given the term in section 151.

(j) CONSTRUCTION.—Nothing in the amendments made by the Higher Education Amendments of 1992 shall be construed to prohibit an institution from recording, at the cost of the institution, a hearing referred to in subsection (b)(2), subsection (c)(1)(D), or subparagraph (A) or (B)(i) of subsection (c)(2), of this section to create a record of the hearing, except the unavailability of a recording shall not serve to delay the completion of the proceeding. The Secretary shall allow the institution to use any reasonable means, including stenographers, of recording the hearing.

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MINORITY VIEWS

INTRODUCTION

H.R. 4312, the *Student Compensation and Opportunity through Rights and Endorsements Act*, or SCORE Act, seeks to regulate college athletics and the "Name, Image, and Likeness" marketplace. While the SCORE Act is being promoted as a measure to empower college athletes,[1] in reality it is a series of blank checks and bailouts for the revenue-rich National Collegiate Athletic Association (NCAA) and its most prominent athletic conferences to the detriment of the athletes the legislation purports to support. The SCORE Act falls short of meaningfully addressing the educational, health, and financial needs of college athletes and instead imposes a radical and permanent ban on college athletes from ever receiving labor and employment rights and protections under any federal or state law as well as eliminates any current or future college athlete protections at the state level. This legislation puts the NCAA before the needs and interests of college athletes.

H.R. 4312 is opposed by the AFL–CIO, American Association for Justice, American Economic Liberties Project, Center for Law and Social Policy, Women's Sports Foundation, National College Players Association, and Service Employees International Union.

BACKGROUND

National Collegiate Athletic Association

The NCAA is an administrative body that is responsible for regulating college athletics among nearly 1,100 member colleges and universities[2] across 102 athletic conferences in North America.[3] NCAA member institutions are divided into three divisions: Division I (DI), Division II (DII), and Division III (DIII).[4] DI is the most competitive level of college athletics and is primarily populated by sizeable institutions with large athletic budgets.[5] Each division is governed by the member schools in the division through committees.[6] In the 2023–2024 season, approximately 197,000 athletes

[1] This report uses the phrase "college athletes" or "athletes" to refer to the population impacted by the legislation.

[2] The use of "colleges" and "universities" independently in this report includes reference to the other.

[3] *Overview*, NCAA, https://www.ncaa.org/sports/2021/2/16/overview.aspx (last visited Apr. 2, 2025); *What is the NCAA?*, NCAA, https://www.ncaa.org/sports/2021/2/10/about-resources-media-center-ncaa-101-what-ncaa.aspx (last visited Apr. 2, 2025).

[4] *What is the NCAA?*, NCAA, https://www.ncaa.org/sports/2021/2/10/about-resources-media-center-ncaa-101-what-ncaa.aspx (last visited Apr. 2, 2025). (Of the 1,098 members schools in the NCAA, 350 are in DI, 310 in DII, and 438 in DIII.).

[5] *The Differences Between NCAA Divisions*, NCSA COLLEGE RECRUITING, https://www.ncsasports.org/recruiting/how-to-get-recruited/college-divisions (last visited Apr. 2, 2025).

[6] *Our Three Divisions*, NCAA, https://www.ncaa.org/sports/2016/1/7/about-resources-media-center-ncaa-101-our-three-divisions.aspx (last visited Apr. 2, 2025).

participated in DI, 137,000 in DII, and over 205,000 in DIII, totaling 539,000 college athletes in the NCAA.[7]

In recent years, college athletes across the country have organized for a meaningful voice and better conditions due to the failure to address longstanding issues they experience in many athletic programs. Below are some of the core problems college athletes face.

Compensation

The NCAA has long asserted that the draw of collegiate sports is amateurism.[8] These "amateur" sports, however, are a multi-billion-dollar industry.[9] In Fiscal Year (FY) 2024, the NCAA brought in almost $1.4 billion in revenue, a $91 million increase from the prior fiscal year.[10] The NCAA's most prominent athletic conferences collectively "generated over $3.55 billion in revenue during the 2023 fiscal year." [11] In FY 2023, DI schools "reported total revenue of almost $19 billion on athletics," nearly a 10 percent increase over the prior fiscal year.[12]

Despite the flow of billions of dollars to the NCAA, athletic conferences, and member schools resulting from athletics, college athletes do not share in the prosperity their effort and performance creates. In 2023, DI schools doled out over $3.1 billion in financial aid for college athletes, accounting for just 16 percent of total expenses.[13] However, not every athlete is able to secure a robust scholarship. In a 2019 survey, almost 25 percent of DI college athletes reported experiencing food insecurity in the last month and nearly 14 percent were homeless over the last year.[14] A 2011 study by the National College Players Association and Drexel University Department of Sport Management found "86 percent of players [receiving full athletic scholarships] living off campus living below the federal poverty level." [15] In an opinion piece written by two members of Dartmouth's men's basketball team, they describe a driving factor for their decision to unionize:

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[7] NCAA, NCAA SPORTS SPONSORSHIP AND PARTICIPATION RATES REPORT 94–97 (Oct. 19, 2024), https://ncaaorg.s3.amazonaws.com/research/sportpart/2024RES_SportsSponsorshipParticipationRatesReport.pdf.

[8] *Safeguarding Student-Athletes from NLRB Misclassification: Hearing Before the Subcomm. on H, Employ., Lab., & Pensions of the H. Comm. on Educ. & the Wrkf.*, 118th Cong. (2024) (statement of Mark Gaston Pearce, Exec. Dir., Workers' Rights Inst. at Geo. L. Ctr.) (accessible at https://democrats-edworkforce.house.gov/imo/media/doc/31424pearcetestimony.pdf) [hereinafter Pearce Testimony].

[9] Andrew Zimbalist, *Analysis: Who is winning in the high-revenue world of college sports?*, PBS (Mar. 18, 2023), https://www.pbs.org/newshour/economy/analysis-who-is-winning-in-the-high-revenue-world-of-college-sports.

[10] Steve Berkowitz, *NCAA shows revenue increase to $1.4 billion and $166 million surplus in 2024 fiscal year*, USA TODAY (Feb. 27, 2025), https://www.usatoday.com/story/sports/college/2025/02/27/ncaa-financial-report-revenue-surplus/80733616007/.

[11] Will Backus, *Big Ten Remains Power Five Revenue Leader with $880 Million Haul for 2023 Fiscal Year, per Report*, CBS SPORTS (May 23, 2024), https://www.cbssports.com/college-football/news/big-ten-remains-power-five-revenue-leader-with-880-million-haul-for-2023-fiscal-year-per-report/.

[12] NCAA, DIVISION I ATHLETICS FINANCES: 10-YEAR TRENDS FROM 2014 TO 2023 12 (Dec. 2024), https://ncaaorg.s3.amazonaws.com/research/Finances/2024D1RES_DI-RevExpReport.pdf [hereinafter DI ATHLETICS FINANCES].

[13] *Id.* at 20.

[14] Mark Gaston Pearce & Daphne Assimakopoulos, *Organizing and the College Athlete*, WRKRS' RGTS INST (2022), https://www.law.georgetown.edu/workers-rights-institute/publications/organizing-and-the-college-athlete/.

[15] Press Release, Drexel University, Study College Athletes Worth Six Figures Live Below Federal Poverty Line (Sept. 13, 2011), https://drexel.edu/news/archive/2011/september/study-college-athletes-worth-six-figures-live-below-federal-poverty-line.

> First, many of our players currently juggle part-time jobs alongside their academic and athletic commitments to help pay for their tuition and living expenses. While we currently receive many forms of non-traditional compensation, these don't pay our bills, and so we are unionizing to be compensated like other student employees, with hourly wages similar to other student wages on campus or scholarships. This would alleviate the need for second jobs and enhance our experience as part of the Dartmouth community.[16]

Conversely, DI schools spent more than $3.6 billion compensating coaches in 2023, making up the largest category (19%) of expenditures for the schools.[17] Compensation is only one part of college athletes' experience, and limiting the conversation to this ignores the various other issues they face at academic institutions.

Excessive Hours

The NCAA caps the number of hours college athletes may engage in "countable athletically related activities" at four hours each day and 20 hours each week when in-season, and eight hours each week during the offseason.[18] Athletes are also provided one day off each week during the season and two days off in the offseason.[19] NCAA regulations may appear reasonable, however, the reality is different. NCAA athletes report significantly exceeding the limit on maximum hours during the season across all sports.[20] "On average, football, men's basketball, women's basketball, and baseball players in [DI] spend about 40 hours a week on athletic activities."[21] The issue persists in the offseason, with a majority of DI and DII college athletes engaging in athletic related activities for the same or greater number of hours as their regular season.[22] A 2015 survey of athletes in the Pac–12 Conference[23] found that 73 percent of college athletes believed an athletic activity labeled as voluntary was mandatory, leading them to put more time into the sport or face retaliation.[24] In addition to a full course load, college athletes are managing the equivalent of a full-time job that takes away from rest, sleep, extracurricular activities, social activities, and academics.

Harassment, Discrimination, and Abuse

While many college athletes have a special bond with their coaches that is built on mutual respect and trust, others have dealt

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[16] Romeo Myrthil & Cade Haskins, *Haskins and Myrthil: Why We Are Unionizing*, THE DARTMOUTH (Sept. 18, 2023), https://www.thedartmouth.com/article/2023/09/haskins-and-myrthil-why-we-are-unionizing.

[17] *See* DI ATHLETICS FINANCES, *supra* note 12, at 20.

[18] *This Study Proves Just How Much Time College Athletes Spend on Their Sport*, NCSA COLLEGE RECRUITING, https://www.ncsasports.org/blog/study-time-demands-d1-studentathletes-excessive (last visited Apr. 2, 2025).

[19] *Id.*

[20] Jake New, *What Off-Season?*, INSD. HIGHER ED (May 7, 2015), https://www.insidehighered.com/news/2015/05/08/college-athletes-say-they-devote-too-much-time-sports-year-round.

[21] *Id.*

[22] *Id.*

[23] The Pac–12 Conference was made up of 12 schools on the west coast and in the southwest region of the U.S. In 2024, 10 of the 12 schools left the conference.

[24] *Student-Athlete Time Demands*, PENN SCHOEN BERLAND (Apr. 2015), https://sports.cbsimg.net/images/Pac-12-Student-Athlete-Time-Demands-Obtained-by-CBS-Sports.pdf.

with coaches that abuse, harass, and discriminate—harming athletes' health and wellbeing. For example: [25]

- In January 2023, five players on Concordia University Chicago's men's basketball team were hospitalized after a practice believed to be in retaliation for curfew violations.[26]
- In 2021, Syracuse University women's basketball coach resigned after allegations of inappropriate and abusive behavior, including verbal threats, denial of requests for water, and unwanted physical contact.[27]
- In 2009, a basketball player at Grambling State University died and another became physically and psychologically disabled after a punitive practice.[28]
- Players for the University of Nebraska's softball team stated their coach engaged in "systematic emotional abuse" and created a toxic culture. Players reported experiencing harassment to the point that over half of the players in 2018 attended counseling sessions with psychologists and eventually transferred out of the program. One player even said she had suicidal thoughts because of the toxic environment.[29]
- In 2013, a University of Utah swimming coach was accused of showing up to practices inebriated, assaulting an assistant coach, using racial slurs, and coercing an athlete to "swim underwater with his hands tied to a PVC pipe that was strapped to his back until he blacked out." [30]
- The University of Illinois at Urbana-Champaign's head football coach was fired for routinely pressuring players to play through their injuries, ignoring medical staff, and threatening to revoke scholarships, among other abusive conduct.[31]
- A Rutgers University men's basketball coach was recorded over two years "hurling basketballs from close range at his players' heads, legs and feet; shoving and grabbing his players; feigning punching them; kicking them; and screaming obscenities and homophobic slurs." [32]

These examples are just a snapshot of unscrupulous coaches engaging in inappropriate and abusive behavior that ranges from vul-

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[25] Michael H. LeRoy, *Harassment, Abuse, and Mistreatment in College Sports: Protecting Players through Employment Laws*, 42:1 BRKELY JOURN. OF EMPLYMT & LAB. LAW 101 (2020), https://law.illinois.edu/wp-content/uploads/2021/03/LeRoy-42.1-Formatted-w-Edits_12.2.20.pdf.

[26] Jake Sheridan, *Concordia University Chicago basketball players hospitalized after intense practice*, CHIC. TRIBUNE (Jan. 6, 2023), https://www.chicagotribune.com/2023/01/06/concordia-university-chicago-basketball-players-hospitalized-after-intense-practice/.

[27] Matt Bonesteel, *Syracuse women's basketball coach resigns after players accuse him of improper behavior*, WASH POST (Aug. 2, 2021), https://www.washingtonpost.com/sports/2021/08/02/syracuse-coach-quentin-hillsman-resigns/.

[28] Michael H. LeRoy, *Considering College Athletes as Employees Could Curb Coaching Abuse*, SPORTICO (Mar. 1, 2023), https://www.sportico.com/leagues/college-sports/2023/college-athletes-as-employees-could-curb-coaching-abuse-1234708592/.

[29] Ben Strauss, *Complaints against Nebraska softball coach show college athletes' limited option*, WASH POST (Aug. 30, 2019), https://www.washingtonpost.com/sports/2019/08/30/complaints-against-nebraska-softball-coach-show-college-athletes-limited-options/.

[30] *Utah hires out for new investigation*, ESPN (Mar. 11, 2013), https://www.espn.com/college-sports/story/ /id/9040762/utah-utes-open-new-investigation-greg-winslow.

[31] Vinnie Duber, *Report contains ugly details of Tim Beckman's behavior as Illini coach*, NBC SPORTS CHIC. (Nov. 9, 2015), https://www.nbcsportschicago.com/news/report-contains-ugly-details-of-tim-beckmans-behavior-as-illini-coach/271326/.

[32] Don Van Natta, *Video shows Mike Rice's ire*, ESPN (Apr. 2, 2013), https://www.espn.com/espn/otl/story/ /id/9125796/practice-video-shows-rutgers-basketball-coach-mike-rice-berated-pushed-used-slurs-players.

gar or discriminatory language to punishing commands that result in injuries.[33]

Sports-Related Injuries

Unsurprisingly, college athletes are inherently at risk of injury through their participation in sports. An analysis of NCAA injury data by the Centers for Disease Control and Prevention (CDC) estimated that over 210,000 injuries occurred each year.[34] Among men's sports, football had the highest annual average of injuries, and wrestling accounted for the highest overall injury rate.[35] Among women's sports, gymnastics had the top overall injury and practice injury rate, and soccer yielded the largest competition injury rate.[36] Importantly, injured college athletes are not eligible for workers' compensation, which provides cash benefits and medical care for workers who become injured or ill through their occupation.[37] College athletes are mandated by the NCAA to have their own medical insurance to participate, even if it is through their parents or guardians, or the school, and many schools provide some form of coverage. However, there are college athletes without adequate coverage.[38]

DISCUSSION

While some college athletes have been engaged in active organizing and advocacy efforts, there is and has been no effort to broadly classify college athletes as employees. In fact, the legal tests used to determine whether there exists an employee-employer relationship is predicated on a case-by-case basis using a fact-intensive review of the circumstances under the *Fair Labor Standards Act of 1938* (FLSA)[39] and the *National Labor Relations Act of 1935* (NLRA).[40]

Given the situation-specific analysis required under both the FLSA and the NLRA (as described below), it is likely that only college athletes in the most demanding and controlling athletic programs would potentially be classified as employees.

The Fair Labor Standards Act

The FLSA is the core federal workplace standards law governing the minimum wage,[41] overtime,[42] oppressive child labor,[43] and discrimination in pay on the basis of sex,[44] among other rights and

[33] *See* LeRoy, *supra* note 25.
[34] Zachary Y. Kerr et al., *College Sports-Related Injuries—United States, 2009–10 Through 2013–14 Academic Years*, CDC (Dec. 11, 2015), https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6448a2.htm.
[35] *Id.*
[36] *Id.*
[37] Tom Dart, *College Athletes Are Unpaid. What If Injury Ruins Their Chance of Turning Pro?*, THE GUARDIAN (Sept. 6, 2021), https://www.theguardian.com/sport/2021/sep/06/college-athletes-are-unpaid-what-if-injury-ruins-their-chance-of-turning-pro.
[38] Cory McCune, *NCAA Policies for Student-Athlete Medical Insurance Breakdown*, BLEACHER REPORT (Apr. 8, 2013), https://bleacherreport.com/articles/1595326-ncaa-policies-for-student-athlete-medical-insurance-breakdown.
[39] 29 U.S.C. § 201 *et seq*.
[40] 29 U.S.C. § 151 *et seq*.
[41] *Id*. § 6.
[42] *Id*. § 7.
[43] *Id*. § 12.
[44] *Id*. § 6(d).

protections. The FLSA is enforced by both the U.S. Department of Labor and private litigants.[45]

In the FLSA, the term "employ" includes "to suffer or permit to work."[46] When establishing this broad definition of employment, Congress rejected the narrower common law standard of employment, which turns on the degree to which the employer has control over an employee. Congress instead sought to expand the employment relationship to hold accountable employers who would not be liable for violations under a control test.[47] Courts test the applicability of the FLSA definition using the "economic realities" test, which looks underneath whatever terms the parties use to describe it and focuses instead on the reality of the relationship based on the totality of the circumstances to determine whether the putative employee is economically dependent on the potential employer.[48] Ultimately, the application of the economic realities factors is guided by the overarching principle that the FLSA should be "construed liberally to apply to the furthest reaches consistent with congressional direction."[49] The FLSA definition of employment is the "broadest definition that has ever been included in any one act."[50]

The National Labor Relations Act

The NLRA is the foundational federal law governing labor relations that protects the rights of private sector workers to engage in concerted activity, organize a union, and collectively bargain over pay, benefits, and working conditions with their employer. Section 2(3) of the NLRA defines "employees" broadly to include "any employee" subject to only a few enumerated exceptions that do not include athletes at academic institutions. The U.S. Supreme Court has held that in applying this broad definition of "employee" it is necessary to consider the common law definition of "employee."[51] Under the common law definition, an employee is a person who performs services for another under a contract of hire, subject to the other's control or right of control, in return for payment.[52] The NLRB and courts have applied the common law test to determine that as long as individuals meets the broad Section 2(3) definition of "employees" they are indeed statutory employees.[53] But as the Supreme Court has acknowledged, even when the NLRB has the statutory authority to act, "the Board sometimes

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[45] *Id.* § 16.
[46] *Id.* § 3(g).
[47] Bruce Goldstein *et al.*, *Enforcing Fair Labor Standards in the Modern American Sweatshop: Rediscovering the Statutory Definition of Employment*, 46 UCLA L. REV. 983, 991 (1999).
[48] Tony & Susan Alamo Found. v. Sec'y of Labor, 471 U.S. 290, 301 (1985) (reiterating that the test of employment under the FLSA is economic reality); Goldberg v. Whitaker House Co-op, Inc., 366 U.S. 28, 33 (1961).
[49] Mitchell v. Lublin, McGaughy & Assocs., 358 U.S. 207 (1959).
[50] United States v. Rosenwasser, 323 U.S. 360, 363 (1945) (quoting 81 Cong. Rec. 7,657 (1938) (remarks of Sen. Hugo Black)). The FLSA's definition of "employ" is a standard of "striking breadth" that "stretches the meaning of 'employee' to cover some parties who might not qualify as such under a strict application of traditional agency law principles." Nationwide Mut. Ins. Co v. Darden, 503 U.S. 318, 323 (1992).
[51] NLRB v. Town & Country Electric, Inc., 516 U.S. 85, 89 (1995) (rights guaranteed by the NLRA "belong only to those workers who qualify as 'employees' as that term is defined in the [NLRA]").
[52] *Brown University*, 342 NLRB 483, 490 n.27 (2004) (citing *NLRB v. Town & Country Electric*, 516 U.S. at 94). *See also* RESTATEMENT (SECOND) OF AGENCY § 2(2) (1958).
[53] *See, e.g., Seattle Opera*, 331 NLRB 1072 (2002), enf'd 292 F.3d 757, 761–62 (D.C. Cir. 2002).

properly declines to do so, stating that the policies of the Act would not be effectuated by its assertion of jurisdiction in that case."[54]

The broad language of Section 2(3), the policies underlying the NLRA, Board law, and the common law can support the conclusion that certain athletes at academic institutions subject to the NLRB's jurisdiction are statutory employees who have the right to act collectively to improve their terms and conditions of employment. Along these lines, in September 2021, NLRB General Counsel Jennifer Abruzzo (GC) issued a memorandum declaring the GC's position that "certain Players at Academic Institutions are employees under the [NLRA]."[55] It further established the GC's intent to prosecute the misclassification of such employees as "student-athletes" as an unfair labor practice because it leads players to believe they lack protections granted by the NLRA.[56] In February 2025, NLRB Acting General Counsel William Cowen rescinded the memorandum.[57]

Employment Ban

Section 9 of H.R. 4312 excludes college athletes from being determined under any federal or state law to be employees of their school or any collegiate athletics body on the basis of their participation in covered varsity sports or any control exerted over them as a condition of athletics participation in perpetuity, regardless of the facts that exist on the ground. Putative employers who are shielded from any employment-related liability under this bill are institutions of higher education that sponsor varsity intercollegiate athletics; intercollegiate athletic conferences; and the NCAA and any other associations that serve as governing bodies for varsity sports.

The blanket prohibition on employee classification in H.R. 4312 is a blank check for the NCAA and its largest athletic conferences and programs to continue to exert significant control over college athletes, even outside of athletics. In return, college athletes are permanently stripped from ever receiving labor and employment rights and protections, including a minimum wage; overtime pay; workers' compensation for injuries, illnesses, or fatalities; safety and health protections; and the right to organize a union and collectively bargain for fair conditions. Students who participate in varsity intercollegiate athletics report significant demands on their time, being subject to substantial control by colleges over their time and activities, and constraints on their ability to pursue their studies. As noted earlier in this report, one NCAA survey found that, "[o]n average, football, men's basketball, women's basketball, and baseball players in [DI] spend about 40 hours a week on athletic

[54] NLRB v. Denver Building Trades Council, 341 U.S. 675, 684 (1951). *See also* NLRB v. Teamsters Local 364, 274 F.2d 19, 23 (7th Cir. 1960).

[55] Press Release, NLRB Off. of Pub. Afrs., NLRB General Counsel Jennifer Abruzzo Issues Memo on Employee Status of Players at Academic Institutions (Sept. 29, 2021), https://www.nlrb.gov/news-outreach/news-story/nlrb-general-counsel-jennifer-abruzzo-issues-memo-on-employee-status-of; Memorandum GC 21–08, Statutory Rights of Players at Academic Institutions (Student-Athletes) Under the National Labor Relations Act (Sept. 29, 2021), download available at https://apps.nlrb.gov/link/document.aspx/09031d458356ec26.

[56] *Id.*

[57] Press Release, NLRB Off. of Pub. Afrs., GC 25–05 Rescission of Certain General Counsel Memoranda (Feb. 14, 2025), https://www.nlrb.gov/news-outreach/news-story/gc-25-05-rescission-of-certain-general-counsel-memoranda.

activities."[58] The issue persists in the offseason, with a majority of DI and DII college athletes engaging in athletic related activities for the same or greater number of hours as their regular season.[59] Beyond the hours spent on the activity, college athletes have also spoken out about the control institutions have on their lives off the field. As noted in Mark Gaston Pearce's testimony before the Committee in March 2024:

> Former University of Southern California football players testified that USC officials retained rigid control over their lives almost year-round including fingerprint scanning players to mark their presence at daily meals and conducting hydration testing and weigh-ins multiple times a week. USC hired other students to check that the athletes went to class. One former football player testified that there was so much pressure to attend practices that he would rather study into the wee hours of the night than miss practice.[60]

Moreover, the demands of sports reportedly impinge on students' ability to pursue the academic path of their choice:

> Student athletes at NCAA [DI] schools must schedule classes around their required NCAA athletic activities and cannot reschedule their NCAA athletic activities around their academic programs. As a result, Villanova University only excuses a student athlete from participating in required athletic activities if there is a conflict between practice and a mandatory core class. For example, when [one student] played football at Villanova University he was required to participate in NCAA athletically related activities on weekdays between 5:45 a.m. and 11:30 a.m. and could not enroll in a non-core class during that time, including classes that were prerequisites for academic degree programs . . . Because student athletes have to schedule their classes around their required athletic activities, many student athletes have reported that participation in NCAA [DI] sports have prevented them from taking classes that they wanted to take. Many student athletes have also reported that their participation in NCAA [DI] sports has prevented them from majoring in their preferred major.[61]

This bill would only encourage even more demands on college athletes' time, without any check or counterbalance.

Congress should not be in the business of creating loopholes that allow college athletes to be exploited, such as the employment safe harbor in the SCORE Act. If colleges do not want their athletes to be classified as employees and be responsible for the aforementioned labor and employment obligations, there is an existing path available that does not require congressional intervention at an unprecedented scale. The simplest and most straightforward solution

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[58] *See* New, *supra* note 20.
[59] *Id.*
[60] Pearce Testimony, *supra* note 8, at 10.
[61] Johnson v. NCAA, 556 F. Supp. 3d 491, 496–97 (E.D. Pa. 2021).

to avoid an employee-employer relationship is not a categorical ban; rather colleges, athletic conferences, and the NCAA can stop treating college athletes like employees.

During the markup, Rep. Summer Lee (D–PA) offered an amendment to strike Section 9 of the bill. While all present Committee Democrats voted to support the amendment, it regrettably failed on a party-line vote.

Student Supports

Section 5(a) of H.R. 4312 amends the *Higher Education Act of 1965* (HEA)[62] to require colleges that have generated $20 million or more in athletics revenue in a 12-month period to provide college athletes with additional student supports and tuition assistance regardless of performance in their sport. While it is unclear the complete world of colleges that could be required to implement these programs, this financial threshold will likely capture DI colleges.

Section 5(a)(1) of the bill requires these colleges to provide college athletes with academic and career support that addresses: mental health, including alcohol and substance misuse; strength and conditioning; nutrition; name, image, and likeness rights; legal and tax advice; financial literacy; career readiness and counseling; transfer process; and sexual violence prevention. These requirements heavily align with requirements established by the NCAA in their bylaws governing Academic Counseling and Support Services, Life Skills, and Health, Safety, and Performance Support Services.[63] Unsurprisingly, H.R. 4312 also allows colleges to carry out these services "in conjunction" with the NCAA, meaning colleges can simply pass along important financial counseling, academic supports, and other resources to a third-party without fully vetting the resources.

To enforce these requirements, H.R. 4312 ties this requirement to colleges' Program Participation Agreement (PPA), which is colleges' agreement to follow applicable laws in exchange for participating in the federal financial aid. However, Committee Republicans have not provided any information on how the Department of Education might evaluate compliance, particularly if services are outsourced to the NCAA or other athletic associations. The bill does not measure the quality of support services, their impact on athletes, or their possible costs, and it does not direct the Department of Education to engage in rulemaking or provide guidance on any of these topics. The bill also does not clarify whether existing programs at colleges designed for all student populations would be sufficient for the purposes of compliance. For these reasons, Committee Democrats are concerned that this section establishes a weak framework to ensure the academic and non-academic success of college athletes.

Section 5(a)(3) of the bill requires these colleges to maintain any grant-in-aid to college athletes regardless of: athletic performance, contribution to team success; injury, illness, or physical or mental

[62] 20 U.S.C. § 1001 *et seq.*

[63] See Bylaw 16.3.1.1, Academic Counseling/Support Services, NCAA (revised Aug. 3, 2022), https://web3.ncaa.org/lsdbi/bylaw?ruleId=3589&refDate=20240702; Bylaw 16.3.1.2, Life Skills Programs, NCAA (revised Aug. 7, 2014), https://web3.ncaa.org/lsdbi/bylaw?ruleId=3590&refDate=20240702; Bylaw 20.2.4.26, Consensus-Based Care, Education and Services Model, NCAA (effective Aug. 1, 2024), https://web3.ncaa.org/lsdbi/search/bylawView?id=131129.

condition; or receipt of compensation pursuant to a name, image, and likeness agreement. Section 5(a)(4) requires colleges to provide a degree completion program for any former varsity college athletes who received grant-in-aid but did not complete their program. Together, these provisions appear designed to support the academic success of college athletes regardless of athletic success. While Committee Democrats support providing all students—including college athletes—the resources they need to succeed, we are deeply concerned that House Republicans are forcing these financial aid policies on institutions without any analysis of the cost or implementation logistics, without concern for what other student populations need, and while the federal government is gutting federal student aid.[64]

Athletics-Related Injuries

The industry of college sports has a long history with sports-related injuries. The NCAA was formed in large part in reaction to sports-related deaths,[65] and it first adopted the term "student athlete" in the course of litigating against the workers' compensation claim of a widow seeking benefits after her husband was killed while playing college football.[66] For the more than 500,000 students participating in NCAA-governed athletics, there are more than 210,000 injuries each year that require attention by a physician or athletic trainer.[67] The incidence of severe injury is high enough to warrant the establishment of the National Center for Catastrophic Sport Injury Research.[68]

Players and their families face significant risks not just from the injuries themselves but also the resulting costs,[69] even as the NCAA and some member institutions have begun to offer some insurance coverage.[70] The NCAA, for example, authorizes catastrophic coverage that kicks in after an athlete's expenses exceed $90,000.[71] The NCAA also allows members to draw from a shared fund to pay for health expense coverage, and the member institutions have considerable leeway in deciding how to do so.[72]

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[64] Jocelyn Salguero and Michele Zampini, *Provisions Affecting Higher Education in the Reconciliation Law,* Inst. for Col. Access & Success (Jul. 15, 2025), https://ticas.org/affordability-2/provisions-affecting-higher-education-in-the-reconciliation-law/.

[65] *NCAA and the Movement to Reform College Football: Topics in Chronicling America,* LIB. OF CONG., https://guides.loc.gov/chronicling-america-ncaa-college-football-reform (last visited Aug. 14, 2025).

[66] Chuck Slothower, *Fort Lewis' First 'Student-Athlete'*, DURANGO HERALD (Sept. 25, 2014), https://www.durangoherald.com/articles/fort-lewis-first-student-athlete/.

[67] Zachary Y. Kerr *et al., College Sports-Related Injuries—United States, 2009–10 Through 2013–14 Academic Years*, 64 MORB. & MORT. WKLY. REP. 1330 (2015), https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6448a2.htm.

[68] *See generally* NAT'L CTR. FOR CATASTROPHIC SPORT INJURY RSCH., https://nccsir.unc.edu/ (last visited Aug. 14, 2025).

[69] Ben Strauss, *A Fight to Keep College Athletes From the Pain of Injury Costs,* N.Y. Times (Apr. 24, 2014), https://www.nytimes.com/2014/04/25/sports/a-fight-to-keep-college-athletes-from-the-pain-of-injury-costs.html ("Under N.C.A.A. rules, players can still lose their scholarships after being hurt, often pay for their own insurance and are generally responsible for long-term health care for injuries sustained on the playing field.").

[70] Tom Dart, *College Athletes Are Unpaid. What If Injury Ruins Their Chance of Turning Pro?,* THE GUARDIAN (Sept. 6, 2021), https://www.theguardian.com/sport/2021/sep/06/college-athletes-are-unpaid-what-if-injury-ruins-their-chance-of-turning-pro.

[71] *NCAA Catastrophic Injury Insurance Program,* NCAA, https://www.ncaa.org/sports/2019/2/18/ncaa-catastrophic-injury-insurance-program.aspx (last visited Aug. 14, 2025).

[72] Dart, *supra* note 70 ("[T]he current system invites dilemmas over the most appropriate use of limited . . . funds. For example, if a college allocates $100,000 annually for insurance, should it decide to pay $50,000 each for generous policies for its best two football players, or purchase

Continued

H.R. 4312 includes two provisions addressing coverage for sports-related injuries:

- Section 5(a)(2)(A) requires schools to provide athletes with limited medical coverage for injuries sustained during athletics participation. Institutions are required to cover medical care, including out-of-pocket expenses, for such injuries. The obligation continues throughout an athlete's time as a student and for three years following graduation or other separation from the college, but it terminates earlier if a student is dismissed for a code-of-conduct violation.
- Relatedly, section 5(a)(2)(C) requires schools to create "an administrative structure" for "provid[ing] independent medical care, including with respect to decisions regarding return to play." The "administrative structure" appears to apply not only to the medical care attendant to sports injuries but also, more broadly, to any use of medical services relevant to fitness and eligibility to play, including return-to-play decisions following injuries sustained off the field.

The medical coverage provision appears to be a rough stand-in for workers' compensation, which most employers are required to provide for injuries employees sustain in the course of employment.[73] Although states have been in a decades-long race to the bottom in workers' compensation practices since the 1990s,[74] even the stingiest workers' compensation program provides more robust benefits for employees than college athletes would receive under this bill:

- The medical coverage would be limited in time to the duration of the student's enrollment plus an additional three years following graduation or separation from enrollment (unless separation is the result of a code-of-conduct violation). By contrast, workers' compensation programs typically allow for medical coverage for the duration of the work-related injury, including permanently disabling conditions.
- The three-year duration omits any coverage for sports-related injuries for which clinical presentations have a long latency period (such as chronic traumatic encephalopathy (CTE)[75] and other long-term neurodegenerative conditions).[76]

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20 $5,000 policies to cover more athletes, albeit less extensively? Or would that sum be better deployed to buy computers for a hundred students?").

[73] For a useful overview of the history and contemporary state of workers' compensation, see Emily A. Spieler, *(Re) Assessing the Grand Bargain: Compensation for Work Injuries in the United States, 1900–2017,* 69 RUTGERS U.L. REV. 891, 937 (2017).

[74] After a brief period in the early 1970s, when state workers' compensation programs improved their benefits levels in order to meet the adequacy criteria of the 1972 National Commission on State Workmen's Compensation Laws, there was a significant turnaround in the 1990s as states revised their laws to reduce employer costs by making workers' comp stingier and more difficult for workers to access. STUDY PANEL ON BENEFIT ADEQUACY, NAT'L ACAD. OF SOC. INS., ADEQUACY OF EARNINGS REPLACEMENT IN WORKERS' COMPENSATION PROGRAMS 7–8, 15–17 (H. Allan Hunt ed. 2004).

[75] In cases of CTE confirmed by postmortem examination, "the onset of clinical symptoms occurs an average of 14.5 years after retirement from the sport," and "the clinical course in CTE is prolonged (mean duration = 15.0 years, SEM = 1.2, n = 125)." Joshua Kriegel, Zachary Papadopolous & Ann C. McKee, *Chronic Traumatic Encephalopathy: Is Latency in Symptom Onset Explained by Tau Propagation?*, COLD SPRING HARBOR PERSPS. IN MED. (Jan. 17, 2017), https://perspectivesinmedicine.cshlp.org/content/8/2/a024059.full.pdf+html.

[76] Bree Clare, *Study Shows Sports-Related Brain Injuries Linked to Long-Term Neurodegenerative Diseases*, PATIENTWORTHY (Jan. 14, 2025), https://patientworthy.com/2025/01/14/study-shows-sports-related-brain-injuries-linked-to-long-term-neurodegenerative-diseases/.

- The bill offers no income replacement for permanently disabling injuries.
- The bill offers no death benefit or survivors' benefit for cases of fatal sports-related injuries.
- Workers' compensation is a no-fault system. The proviso limiting colleges' liabilities after conduct-related separation could introduce an element of fault by allowing colleges to allege conduct violations on the field related to the injury, expel students, and then absolve themselves of liability for medical coverage.
- The provision for "independent medical care" does not specify that athletes would have full choice of provider, only that they could receive "independent" care within the "administrative structure" established by the college.
- There is no requirement for the institutions to insure or collateralize, if self-insured, their medical care obligations. An athlete injured at an institution that suffers a reversal of fortunes and winds down operations may be left without care for a sports-related injury.

During the markup, Rep. Joe Courtney (D–CT) offered an amendment to extend the eligibility for college athletes to receive medical care for an injury incurred during athletic activities from at least three years to at least 10 years. While all Committee Democrats voted to support the amendment, it regrettably failed on a party-line vote.

Student Athletic Fees

Although many college athletics programs generally generate revenue through streams including ticket sales, corporate sponsorships, private donations, and broadcasting deals, most athletic departments consistently operate with a budget deficit, sometimes spending far more than generated revenue.[77] For example, in the Big Ten conference [78] alone for FY 2024, the Ohio State University athletics department had an operating deficit of $38 million, the University of California, Los Angeles ran a $30 million deficit, Rutgers University had a deficit of $28.6 million, and Michigan State University had a $16.7 deficit.[79] To help offset these costs, most colleges charge some form of student athletic fee. Student athletic fees can range from a few hundred dollars to several thousand dollars, depending on the college, and students often do not realize that these fees directly fund the athletics department operating budget.[80]

In an attempt to address concerns around student athletic fees, Section 10 of H.R. 4312 amends the HEA to establish transparency

[77] Andrew Zimbalist, *Who Wins With College Sports?*, EconoFact (Jan. 22, 2023), https://econofact.org/who-wins-with-college-sports; Mark Drozdowski, *Do Colleges Make Money From Athletics?*, BestColleges (Oct. 12. 2023), https://www.bestcolleges.com/news/analysis/2020/11/20/do-college-sports-make-money/.

[78] The Big Ten Conference was made up of 14 schools in the Midwest and Mid-Atlantic regions of the U.S. In 2024, four new West Coast schools joined the conference after leaving the PAC–12 Conference.

[79] Michael Nietzel, *Several Big Ten Universities Bleed Red Ink In Their Athletics Budgets*, Forbes (Jan. 28, 2025), https://www.forbes.com/sites/michaeltnietzel/2025/01/28/several-big-ten-universities-bleed-red-ink-in-their-athletics-budgets/.

[80] Merrit Enright et al., *Hidden Figures: College Students May Be Paying Thousands in Athletic Fees and Not Know It*, NBC NEWS (Mar. 8, 2020), https://www.nbcnews.com/news/education/hidden-figures-college-students-may-be-paying-thousands-athletic-fees-n1145171.

requirements and restrictions on student athletic fees. First, it requires all colleges to annually publish the amount of athletic fees charged to students, the use of these fees, and the percentage of total athletics costs covered by athletic fees. Second, it restricts any college with annual media rights revenues of $50 million or more from using student fees to support athletics programs. Although it is unclear which colleges would be subject to this restriction, Committee Democrats believe it will target colleges in the Power Four conferences [81] that earn significant media revenue, primarily from football and basketball games.

While House Republicans argue these reforms will improve college price transparency, it is still unclear whether the policies will meaningfully lower the cost of college for students. This is because there is limited data to understand the relationship between student athletic fees and athletics financing. In February 2025, Chair Walberg requested a Government Accountability Office study examining how DI and DII colleges finance their athletics programs and how student athletic fees and other athletic revenue streams impact the cost of college for students.[82] Committee Democrats urge Congress to review the findings and recommendations of this study prior to making any changes to student athletics fees.

Preemption of State and Local Laws

Section 11 of H.R. 4312 preempts states and any "political subdivision" of states from enacting and/or enforcing any laws, rules, regulations, requirements, or standards related to the bill. In effect, this provision removes any protections put in place by states for college athletes and prohibits them from doing so in the future. The breadth of this section is unprecedented as it would also eliminate the ability of college athletes to go to court to address or remedy non-compliance with the SCORE Act and any claims related to the provisions of the SCORE Act.

The American Association for Justice noted that, "The bill goes far beyond non-enforcement of the Act itself. The preemption clause in the current draft of the SCORE Act not only stops states from enacting or enforcing 'laws, rules, regulations, requirements or standards,' but it also allows any defendant to get lawsuits dismissed by asserting preemption." [83]

This section would clear the field of any existing protections, permanently prevent states from protecting college athletes, and strip athletes of their ability to hold athletic programs, conferences, and the NCAA accountable for violations or abuses.

During the markup, Rep. Greg Casar (D–TX) offered an amendment to strike the bill's preemption of state and local laws related to the compensation, payment, benefits, and employment status of college athletes. Additionally, Ranking Member Robert C. "Bobby" Scott (D–VA) offered an amendment to provide college athletes with a private right of action to enforce the rights under the bill.

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[81] The Power Four Conferences include the Atlantic Coast Conference (ACC), Big Ten Conference, Big 12 Conference, and Southeastern Conference (SEC).

[82] Press Release, Cmte. on Educ. & Workforce, Chairman Walberg Requests Examination of College Sports Spending's Impact on Student Tuition and Fees (Feb. 3, 2025), https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412173.

[83] Letter of opposition re: Oppose the SCORE Act to U.S. House of Representatives from American Association for Justice (July 2025) (on file with Democratic Committee Staff).

While all present Committee Democrats voted to support these two amendments, both regrettably failed on a party-line vote.

Title IX

H.R. 4312 is deficient for failing to address issues of gender equity in college athletics. For over fifty years, Title IX of the *Education Amendments of 1972* (Title IX) has created opportunities for millions of women and girls to participate in sports at the high school and college levels. Despite the success of Title IX, there are still numerous obstacles to true equality for girls and women in athletic settings. For example, there are several known "loopholes" in the enforcement of Title IX that result in inequitable treatment between university men's and women's athletic programs.[84] There is concern that without explicit acknowledgment that Title IX applies to any compensation or name, image, and likeness (NIL) regimes developed in H.R. 4312, the bill could further exacerbate inequitable outcomes for male and female college athletes.

Longstanding Title IX athletic regulations outline three areas where schools are obligated to provide equity between their men's and women's athletic programs: proportional financial assistance (i.e., scholarships); equivalent treatment, benefits, and opportunities; and effective accommodation of interests and abilities.[85] Based on these longstanding principles, in January 2025, the Biden Administration's Department of Education's Office for Civil Rights (OCR) issued guidance stating that a school could be in violation of Title IX if it failed to provide equivalent benefits, opportunities, and treatment in the aspects of its athletics program that "relate to NIL activities."[86] Unfortunately the guidance was rescinded by the Trump Administrations' OCR in February 2025, but the underlying regulations the guidance was based on are still in effect.[87]

At the markup, there was a bipartisan attempt to ensure that H.R. 4312 promoted equity between men's and women's college athletic teams. The first amendment considered on this subject came from a Majority member, Rep. Michael Baumgartner (R–WA), whose amendment would have required pay parity across all college athletics in the case of institutions that chose to "provide compensation to student athletes under this Act." This amendment would have ensured that any pay from a school was equitable regardless of an athlete's sport, gender, performance, or other characteristic. The amendment failed with Rep. Baumgartner the only Republican joining all present Committee Democrats voting in support.

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[84] Lisa Antonucci, *Powerful Title IX report reveals reporting loopholes and roster manipulation in women's college sports*, CNBC (May 27, 2022), https://www.nbcsports.com/on-her-turf/news/powerful-title-ix-report-reveals-reporting-loopholes-and-roster-manipulation-in-womens-college-sports.

[85] The Policy Interpretation was first articulated by the Department of Health, Education, and Welfare in 1979. *See* Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 239, Dec. 11, 1979, https://www.ed.gov/about/offices/list/ocr/docs/t9interp.html.

[86] U.S. Dep't of Educ., Fact Sheet, Ensuring Equal Opportunity Based on Sex in School Athletic Programs in the Context of Name, Image, and Likeness (NIL) Activities (Jan. 2025), https://democrats-edworkforce.house.gov/download/office-of-civil-rights-factsheet-on-benefits-to-student-athletes-jan-2025 (the factsheet has been completely scrubbed from the OCR website).

[87] U.S. Dep't of Educ., Press Release, U.S. Department of Education Rescinds Biden 11th Hour Guidance on NIL Compensation (Feb. 12, 2025), https://www.ed.gov/about/news/press-release/us-department-of-education-rescinds-biden-11th-hour-guidance-nil-compensation; 44 Fed. Reg. 239.

Recognizing that schools are bound by Title IX but the NCAA, a major factor in intercollegiate athletics, is not, Rep. Alma Adams (D–NC) offered an amendment that would have prevented interstate intercollegiate athletic associations from discrimination on the basis of sex. This ban would have covered everything from the sports a collegiate association required schools to play to the manner in which an association staged competitions and championships and how an association distributed revenues to schools or teams. This amendment also failed with Rep. Baumgartner the only Republican joining all present Committee Democrats voting in support.

Recognizing the wall of opposition to the amendments that would extend Title IX protections, Rep. Adams proposed an amendment that would have simply required additional data collection by schools on athletic activity already mandated by the *Higher Education Act*. The Adams amendment would have required further data, disaggregated by gender, to show: the total number and amounts spent on athletic scholarships; compensation of head and assistant coaches; and revenues and expenses. The amendment would have required schools to provide more granular information when certifying compliance with Title IX in an attempt to address known loopholes in the law. This amendment also failed with Rep. Baumgartner the only Republican joining all present Committee Democrats voting in support.

While these three amendments all dealt with equitable treatment of men's and women's sports, Rep. Yassamin Ansari (D–AZ) offered an amendment that focused on another aspect of Title IX, namely the prevention of sexual assault and violence, which are forms of sex discrimination under Title IX. Under H.R. 4312, the major athletic schools[88] would be required to provide training on "sexual violence prevention and consequences." Realizing this was not sufficient to protect student athletes, and that these well-resourced schools could be a model for others, the Ansari amendment would have required these schools to maintain policies that, at a minimum, would require every employee of the athletic department to be trained to recognize sex discrimination and be a mandatory reporter of said discrimination. Since the 2024 Title IX regulations were vacated nationwide in 2025, the standard for knowledge in cases of sex discrimination requires that a Title IX coordinator have actual knowledge of a sex discrimination issue.[89] Further, at the postsecondary level, the regulations do not make all university employees mandatory reporters.[90] Unless there are ample manda-

[88] Under H.R. 4312, section 5 would apply only to institutions that reported generating not less than $20 million in intercollegiate athletic revenue in a calendar year. This would likely include the colleges in the Power Four Conferences—Atlantic Coast Conference (ACC), Big 10, Big 12, and Southeastern Conference (SEC)—if not all NCAA Division I schools.

[89] Tennessee v. Cardona, No. 2:24–cv–00072–DCR–CJS, mem. (E.D. Ky. Jan. 9, 2025); see 34 C.F.R. § 106.44 (a), (c); U.S. Dep't of Educ., Press Release, U.S. Department of Education to Enforce 2020 Title IX Rule Protecting Women, Jan. 31, 2025, https://www.ed.gov/about/news/press-release/us-department-of-education-enforce-2020-title-ix-rule-protecting-women.

[90] 34 C.F.R. § 106.44 (a), (c); see U.S. Dep't of Educ., Off. for Civ. Rts., Summary of Key Provisions of the Department of Education's 2024 Title IX Final Rule (Apr. 19, 2024), https://www.ed.gov/media/document/title-ix-final-rule-summary-33970.pdf ("The 2020 amendments . . . require a recipient to respond only when it has "actual knowledge" of allegations of "sexual harassment," and only in a manner that is not deliberately indifferent. The 2020 amendments provide that postsecondary institutions have "actual knowledge" when the Title IX Coordinator and employees with authority to institute corrective measures have notice of allegations of sexual harassment . . .").

tory reporters trained to both recognize these cases and how to report them, many cases will never make it to the a college's Title IX coordinators, allowing schools to escape liability. For decades, college wrestlers at Ohio State University suffered sexual abuse at the hands of their team trainer, claiming that team coaches knew of the abuse but turned a blind eye to it.[91] The Ansari amendment would have required those coaches to report what they saw. Regrettably, the Ansari amendment failed on a party line vote.

DEMOCRATIC AMENDMENTS OFFERED DURING THE MARKUP OF H.R. 4312

Committee Democrats proffered seven amendments to improve the bill.

Amendment	Offered By	Description	Action Taken
# 2	Mr. Courtney	Amend Section 5(a)(2)(A) to extend the eligibility of college athletes to receive medical care for an injury incurred during the involvement of intercollegiate athletics from at least three years to 10 years following graduation or separation from an institution.	Defeated
# 4	Ms. Lee	Strike section 9 to prohibit employee classification of college athletes under federal and state labor and employment law.	Defeated
# 6	Ms. Adams	Prohibit interstate intercollegiate athletic associations from discrimination on the basis of sex.	Defeated
# 8	Ms. Adams	Require additional data collection on college athletics programs disaggregated by sex.	Defeated
# 10	Ms. Casar	Strike Section 11(1) to preempt any state law, rule, regulation, requirement, standard, or other provision related to the compensation, payment, benefits, and employment status of college athletes.	Defeated
# 12	Ms. Ansari	Require the highest resourced athletic programs to provide comprehensive sex discrimination training to all athletic department employees and deem them mandatory reporters of sex discrimination.	Defeated
# 13	Mr. Scott	Provide college athletes with a private right of action to enforce rights under the SCORE Act.	Defeated

Committee Republicans rejected all of them.

CONCLUSION

For the reasons stated above, Committee Democrats unanimously opposed H.R. 4312 when the Committee on Education and Workforce considered it on July 23, 2025. We urge the House of Representatives to do the same.

ROBERT C. "BOBBY" SCOTT,
Ranking Member.
JOE COURTNEY,
FREDERICA S. WILSON,
SUZANNE BONAMICI,
MARK TAKANO,

[91] *E.g.* David Maraniss & Sally Jenkins, Relentless Wrestler, Wash. Post (Oct. 21, 2023), https://www.washingtonpost.com/politics/interactive/2023/jim-jordan/?itid=lk_inline_manual_2 ("The Post interviewed 11 former wrestlers from the [OH–Rep. Jim] Jordan era at Ohio State who said Strauss used medical exams to perpetrate molestations or worse. Eight said they had clear recollections of team members protesting Strauss's conduct either directly to Jordan or within Jordan's range of hearing. All considered it inconceivable that Jordan did not know about Strauss's disturbing behaviors.").

ALMA S. ADAMS,
MARK DESAULNIER,
DONALD NORCROSS,
LUCY MCBATH,
JAHANA HAYES,
ILHAN OMAR,
HALEY STEVENS,
GREG CASAR,
SUMMER LEE,
JOHN MANNION,
YASSAMIN ANSARI,
Members of Congress.

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