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

IN THE SENATE OF THE UNITED STATES

Mr. Booker (for himself and Mr. Blumenthal) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) ATHLETIC DEPARTMENT.—The term “athletic department” means a department at an institut-
tion of higher education responsible for overseeing 1 or more athletic programs and related staff.

(2) ATHLETIC PROGRAM.—The term “athletic program” means a program for a particular intercollegiate sport at an institution of higher education.

(3) ATHLETIC REPUTATION.—The term “athletic reputation” means—

(A) with respect to a college athlete, the recognition or fame of the college athlete relating to the intercollegiate athletic ability, standing, participation, or performance of the college athlete; and

(B) with respect to an institution of higher education, the recognition or fame the institution of higher education garners from the athletic programs of the institution of higher education.

(4) COLLEGE ATHLETE.—The term “college athlete”—

(A) means—

(i) an enrolled college athlete; and

(ii) a former college athlete; and

(B) includes a nonimmigrant described in subparagraph (F) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C.
1101(a)(15)) who is present in the United States pursuant to a valid, unexpired visa issued under that subparagraph.

(5) **COLLEGE ATHLETE AGENT.**—The term “college athlete agent” means an athlete agent (as defined in section 2 of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7801)) who is certified in accordance with the standards established under section 11(d)(1).

(6) **COMMISSION.**—The term “Commission” means the Commission on College Athletics established by section 11(a).

(7) **CONFERENCE.**—The term “conference” means a group or an association of athletic programs that play competitively against each other.

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

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

(B) shall be calculated by the financial aid office of an institution of higher education applying the same standards, policies, and procedures for all students.
(9) COVERED COMPENSATION.—The term “covered compensation”—

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

(B) does not include the payment or provision of a grant-in-aid.

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

(11) ENROLLED COLLEGE ATHLETE.—The term “enrolled college athlete” means an individual who—

(A) has been accepted to an institution of higher education and intends to participate in an intercollegiate sport for the institution of higher education; or

(B)(i) is enrolled in an institution of higher education; and

(ii) participates or participated in an intercollegiate sport for the institution of higher education.
(12) **Former college athlete.**—The term “former college athlete” means an individual who participated in an intercollegiate sport for an institution of higher education but is no longer enrolled in an institution of higher education.

(13) **Fund.**—The term “Fund” means the medical trust fund established under section 5(b).

(14) **Grant-in-aid.**—The term “grant-in-aid”—

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

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

(ii) is in an amount that does not exceed the cost of attendance for such student at the institution of higher education; and

(B) does not include covered compensation.

(15) **Image.**—The term “image”, with respect to a college athlete, means a photograph, video, or computer-generated representation that—
(A) identifies, is linked to, or is reasonably linkable to the college athlete; and

(B) relates to the intercollegiate athletic ability, standing, participation, or performance of the college athlete.

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

(17) INTERCOLLEGIATE ATHLETIC ASSOCIATION.—The term “intercollegiate athletic association” means any association, conference, or other group or organization, including the National Collegiate Athletic Association, that—

(A) exercises authority over intercollegiate athletics; and

(B) is engaged in commerce or in any industry or activity affecting commerce.

(18) LIKENESS.—The term “likeness” means—

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

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

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

(B) with respect to any college athlete, the
uniquely identifiable voice, physical characteris-
tics, catch phrase, or nickname of the college
athlete, and any other trademark that identifies
or distinguishes the college athlete, as such
voice, catch phrase, nickname, and trademark
relate to the intercollegiate athletic ability,
standing, participation, or performance of the
college athlete.

(19) NAME.—The term “name”, with respect to
a college athlete, means the first name and last or
family name that identifies the college athlete, a
nickname or a preferred name of the college athlete,
and a name that the college athlete uses to identify
the college athlete, as such names and nicknames re-
late to the intercollegiate athletic ability, standing, participation, or performance of the college athlete.

(20) **Prospective college athlete.**—The term “prospective college athlete” means an individual—

(A) who has remaining intercollegiate athletics eligibility;

(B) with whom an athletic program has communicated with respect to intercollegiate sports participation; and

(C) who has not signed an agreement to join such athletic program.

(21) **Third party.**—The term “third party” means an individual or entity other than an institution of higher education, a conference, or an intercollegiate athletic association.

(22) **Title IX.**—The term “Title IX” means title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

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

(a) **Right To Market Name, Image, Likeness, or Athletic Reputation.**—

(1) **In general.**—Subject to a limitation pursuant to paragraph (3), an institution of higher education, an intercollegiate athletic association, or a
conference may not restrict the ability of college athletes, individually or as a group, to market the use of their names, images, likenesses, or athletic reputations.

(2) GROUP LICENSING.—A person may not use the name, image, likeness, or athletic reputation of any member of a group described in paragraph (1) to sell or promote any product, including college athlete biometric information, unless the person obtains a license from the group for that purpose.

(3) CERTAIN LIMITATIONS PERMITTED WITH RESPECT TO PARTICULAR INDUSTRIES.—

(A) STATES.—Notwithstanding paragraph (1), a State may prohibit college athletes residing in the State from entering into endorsement contracts with entities in a particular industry if the State also prohibits institutions of higher education located in the State from entering into agreements with such entities.

(B) INSTITUTIONS OF HIGHER EDUCATION.—

(i) IN GENERAL.—Notwithstanding paragraph (1), an institution of higher education may prohibit enrolled college athletes from entering into endorsement
contracts with a third party in a particular industry if—

(I) the endorsement contract would violate the student code of conduct of the institution; and

(II) the institution refrains from entering into agreements with all entities in the particular industry.

(ii) Student codes of conduct.—

The student code of conduct of an institution of higher education may not interfere with or void the rights of college athletes under State or Federal law.

(C) Notification of enrolled college athletes.—An institution of higher education shall provide to each enrolled college athlete and to the Commission a list of entities with which institutions of higher education and college athletes are prohibited from entering into endorsement contracts pursuant to sub-paragraph (A) or (B).

(4) Institution of higher education agreements with third parties.—In conjunction with an endorsement contract of a college athlete, an institution of higher education may enter
into a separate agreement with the third party concerned for the intellectual property rights or the name, image, likeness, or athletic reputation rights of the institution of higher education, including the use of the logos and team uniforms of the institution of higher education, if—

(A) the third party provides covered compensation directly to the college athlete; and

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

(5) INSTITUTION-SPONSORED COMPETITION AND PRACTICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an institution of higher education may require an enrolled college athlete to use, during a competition or practice sponsored by the institution of higher education, apparel selected by the institution of higher education.

(B) EXCEPTIONS.—

(i) ACTIVITIES OTHER THAN MANDATORY TEAM ACTIVITIES.—An institution of higher education may not prohibit, and may not enter into a contract that pro-
hibits, an enrolled college athlete from carrying out activities pursuant to an endorsement contract during a period in which the enrolled college athlete is not engaged in a mandatory team activity.

(ii) FOOTWEAR.—An institution of higher education may not prohibit or discourage an enrolled college athlete from wearing, during mandatory team activities, footwear of his or her choice that is consistent with the rules of the applicable sport, unless the footwear has lights, reflective fabric, or poses a health risk to the enrolled college athlete.

(6) TREATMENT OF COVERED COMPENSATION.—Covered compensation—

(A) shall not be considered financial aid by any institution of higher education, intercollegiate athletic association, conference, or third party; and

(B) notwithstanding section 480(j) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(j)), shall not be included as financial assistance for purposes of determining a student’s eligibility for financial assistance under title IV

(7) **Privacy.—**

(A) **In general.**—Endorsement contracts and other financial information provided by an enrolled college athlete to an institution of higher education shall not be subject to Federal or State open records laws.

(B) **Prohibition on compelled disclosure.**—An intercollegiate athletic association or a conference may not require or compel a college athlete to disclose information about an endorsement contract or covered compensation related to the use of the college athlete’s name, image, or likeness.

(C) **Confidentiality.**—An institution of higher education may require a college athlete to disclose information about an endorsement contract or covered compensation, but must keep the terms and nature of the contract confidential.

(b) **Right to Compensation for Expenses.—**

(1) **In general.**—An institution of higher education, an intercollegiate athletic association, or a conference may not restrict the ability of an enrolled
college athlete to receive payment from any source for—

(A) transportation for the enrolled college athlete and friends or family members of the enrolled college athlete during any period in which the enrolled college athlete is addressing a physical or mental health concern or participating in intercollegiate athletics competition;

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

(C) tuition, fees, books, transportation, or any other incidental expense that is not otherwise provided by an institution of higher education or covered by a grant-in-aid.

(2) GRANT-IN-AID GUARANTEES.—

(A) Receipt of covered compensation shall not adversely affect—

(i) an enrolled college athlete’s eligibility or opportunity to apply for a grant-in-aid; or

(ii) the amount, duration, or renewal of an enrolled college athlete’s grant-in-aid.

(B) LIMITATION ON REVOCATION.—An institution of higher education may not revoke or reduce an enrolled college athlete’s grant-in-aid
based on the enrolled college athlete having entered into an endorsement contract.

(c) Right to Agent Representation.—

(1) In general.—An institution of higher education, an intercollegiate athletic association, or a conference may not restrict the ability of a college athlete to obtain representation with respect to an endorsement contract or employment outside the institution of higher education in which the college athlete is enrolled, including—

(A) representation provided by agents, group licensing entities, and financial advisors; and

(B) legal representation by attorneys.

(2) Preventing conflicts of interest.—An institution of higher education, an intercollegiate athletic association, a conference, or an entity that has represented or has had a direct business partnership with an institution of higher education, an intercollegiate athletic association, or a conference, may not—

(A) represent college athletes with respect to the use of their names, images, likenesses, or athletic reputations;
(B) host or provide a platform or service related to the marketing or branding of a college athlete’s name, image, likeness, or athletic reputation;

(C) regulate the representation of college athletes with respect to the use of their names, images, likenesses, or athletic reputations;

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

(E) attempt to influence, or base co-branding decisions on, a college athlete’s choice of representation.

(d) Right To Transfer.—

(1) In general.—An enrolled college athlete shall be entitled to transfer from one institution of higher education to another notwithstanding any contract to which an enrolled college athlete is a party or national letter of intent signed by the enrolled college athlete.

(2) Limitation on Transfer Penalties.—Institutions of higher education, intercollegiate athletic associations, and conferences shall allow an enrolled college athlete to transfer from one institution of higher education to another without losing grant-
in-aid opportunities or eligibility for intercollegiate athletics if—

(A) the college athlete is subject to an abusive or negligent environment within the institution of higher education; or

(B)(i) it is the first time the enrolled college athlete transfers or there is a head coaching change in the enrolled college athlete’s sport;

(ii) not less than 7 days before transferring, the enrolled college athlete provides to his or her athletic director notice of intent to transfer; and

(iii) the transfer does not occur during—

(I) the season or the post-season period of the sport of the enrolled college athlete; or

(II) the 45-day period preceding the date on which such season commences.

(3) GRANT-IN-AID PROTECTION.—An institution of higher education may not eliminate or reduce the grant-in-aid of a college athlete who submits a written notice of intent to transfer or registers in a transfer portal, but rescinds the notice of intent to
transfer or exits the transfer portal, as applicable, on a date that is—

(A) not later than 45 days after having initially registered for the transfer portal; and

(B) not less than 100 days before the beginning of the season of the sport of the college athlete.

(4) Inducements to transfer prohibited.—

(A) In general.—An institution of higher education, an intercollegiate athletic association, a conference, or a business partner of an institution of higher education, an intercollegiate athletic association, or a conference may not offer or provide to an enrolled college athlete any compensation or benefit (other than grant-in-aid) that is—

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

(ii) intended to induce the enrolled college athlete to transfer to a particular institution of higher education.

(B) Campus tours.—Notwithstanding subparagraph (A), an institution of higher edu-
cation, an intercollegiate athletic association, or
a conference may provide an enrolled college
athlete with reimbursement for expenses relat-
ing to campus tours or visits.

(e) Right To Enter Professional Sports
Drafts.—

(1) In General.—An institution of higher edu-
cation, an intercollegiate athletic association, or a
conference may not prevent the participation of an
enrolled college athlete in intercollegiate athletics
based on the enrolled college athlete having entered
into a professional sports draft, if the enrolled col-
lege athlete—

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

(B) not later than 7 days after the comple-
tion of the draft or tryout, notifies his or her
athletic director of his or her intent to forgo
participation in the professional league.

(2) Prohibition On Obligations And Pen-
alties.—A professional sports league may not place
any obligation on, or penalize, a college athlete for
entering its draft but choosing instead to participate
in intercollegiate athletics before entering into a contract with a professional team or club.

(f) Right to Full Participation in Intercollegiate Athletics Competition.—An institution of higher education, an intercollegiate athletic association, a conference, or a State may not maintain or enforce any rule, requirement, standard, condition, or other limitation that prevents the full participation of an enrolled college athlete in intercollegiate athletics competition based on the enrolled college athlete having—

(1) entered into an endorsement contract; or

(2) obtained representation described in subsection (c)(1).

(g) Additional Protections.—An institution of higher education, an intercollegiate athletic association, or a conference may not—

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

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

(3) except as otherwise provided in this Act, levy against an enrolled college athlete any fine or other punishment that does not apply equally to
other students enrolled in the institution of higher education;

(4) coordinate or cooperate with any other institution of higher education, intercollegiate athletic association, or conference to limit opportunities related to a college athlete's use or profit from his or her name, image, likeness, or athletic reputation; or

(5) eliminate the funding of an athletic program unless all other options for reducing the expenses of the athletic program, including reducing coach salaries and administrative and facility expenses, are not feasible.

SEC. 4. RIGHT TO TITLE IX EQUITY.

(a) INSTITUTIONS OF HIGHER EDUCATION.—Each institution of higher education shall—

(1) not later than July 1 each year—

(A) complete an evaluation, using all relevant measures, of the compliance of the institution of higher education with Title IX in athletics; and

(B) publish such evaluation on a publicly accessible internet website of the institution of higher education;

(2) publish on a publicly accessible internet website of the institution of higher education the
name and contact information of the institution’s Title IX coordinator; and

(3) inform college athletes enrolled at the institution of higher education to whom an inquiry or a complaint relating to Title IX in athletics may be addressed.

(b) INTERCOLLEGIATE ATHLETIC ASSOCIATIONS AND CONFERENCES.—An intercollegiate athletic association or a conference shall not discriminate on the basis of sex with regard to the provision, to college athletes in comparable sports, of health and safety, medical care, rest, room and board, nutrition, athletic facilities, athletic participation, transportation, and event promotions.

(c) ENFORCEMENT.—An intercollegiate athletics association shall—

(1) permanently ban an individual from intercollegiate athletics if the individual knowingly provides misleading information or causes omissions for the purpose of affecting a Title IX evaluation referred to in this section; and

(2) provide college athletes the means to keep their identity confidential when making a Title IX in athletics inquiry or complaint to the intercollegiate athletics association.
SEC. 5. MEDICAL EXPENSES FOR SPORTS-RELATED INJURIES AND HEALTH CARE SERVICES FOR COLLEGE ATHLETES.

(a) Coverage and Expenses.—

(1) Institutions of higher education reporting $20,000,000 or more in athletics revenue.—Each institution of higher education reporting $20,000,000 or more in total athletics revenue to the Department of Education during the preceding academic year shall be financially responsible for the out-of-pocket sports-related medical expenses of each college athlete of the institution, including expenses related to communicable illnesses acquired by a former college athlete during their intercollegiate athletics eligibility, during the 2-year period beginning on the date of the former college athlete’s last team athletic activity.

(2) Institutions of higher education reporting $50,000,000 or more in athletics revenue.—Each institution of higher education reporting $50,000,000 or more in total athletics revenue to the Department of Education during the preceding academic year shall—

(A) offer nationally portable primary medical insurance to each enrolled college athlete, paid for by the institution; and
(B) be financially responsible for the out-of-pocket sports-related medical expenses of each college athlete of the institution, including expenses related to communicable illnesses acquired by a former college athlete during their intercollegiate athletics eligibility, during the 4-year period beginning on the date on which the former college athlete ceased to be an enrolled college athlete.

(3) **Payment of out-of-network expenses.**—If a college athlete of an institution of higher education that is responsible for the college athlete’s medical expenses chooses to receive medical care independent from the institution of higher education’s network, the institution of higher education shall pay the amount that is the lesser of—

(A) the out-of-pocket expenses for such medical care; or

(B) the amount the institution would have paid if the college athlete had received the medical care within the institution of higher education’s network.

(4) **Second opinions.**—An institution of higher education—
(A) shall pay for a college athlete to obtain an independent second opinion with respect to a sports-related medical condition; and

(B) shall not impede a college athlete’s right to obtain such second medical opinion.

(b) MEDICAL TRUST FUND.—

(1) ESTABLISHMENT.—The Commission shall establish a medical trust fund to cover the cost of—

(A)(i) for enrolled college athletes, the out-of-pocket expenses relating to any athletic program-related injury or illness not covered by an institution of higher education; and

(ii) during the 4-year period beginning on the date on which an individual ceases to be an enrolled college athlete, the out-of-pocket expenses relating to any athletic program-related injury or illness suffered by such individual while the individual was an enrolled college athlete;

(B) medical expenses for college athletes diagnosed with athletic program-related conditions, including chronic traumatic encephalopathy or other cognitive impairment; and
(C) independent medical second opinions for enrolled college athletes.

(2) CONTRIBUTIONS.—

(A) IN GENERAL.—Not later than July 31 each year, each athletic association and conference that generates over $200,000,000 in annual athletics revenue shall make contributions to the Fund in an amount determined by the Commission that totals, in the aggregate, not more than $50,000,000 to help cover the costs of medical treatment described in paragraph (1) for the applicable academic year.

(B) CONSIDERATION.—In determining amounts to be contributed by athletic associations and conferences under subparagraph (A), the Commission shall take into account their respective athletics revenues.

(C) PENALTY FOR NONCOMPLIANCE.—

(i) IN GENERAL.—An institution of higher education that fails to make a timely contribution required by subparagraph (A) shall—

(I) make the delinquent contribution retroactively; and

(II) be assessed—
(aa) interest on such contribution at a rate of 10 percent annually; and

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

(AA) for each academic year concerned, the amount equal to 20 percent of the total athletics revenue generated by the institution of higher education; or

(BB) $200,000.

(ii) WAIVER.—In the case of a first delinquent contribution, the Commission may waive the applicability of clause (i) on request by the institution of higher education concerned if the institution of higher education makes the delinquent payment not later than August 14 of the year in which the payment was due.

(c) PHYSICAL EXAMINATIONS.—

(1) IN GENERAL.—Not later than 3 days after the date on which the regular season of the sport of a college athlete ends during the college athlete’s final year of intercollegiate athletics eligibility (or in
the case of a transfer, not later than 3 days after receiving a college athlete’s notice of intent to transfer), an institution of higher education shall provide the college athlete notice of, and an opportunity to undergo, a physical examination within or independent of the institution of higher education’s network for the purpose of diagnosing any athletic program-related injury or condition.

(2) FORMER COLLEGE ATHLETES.—A former college athletes shall be allowed not less than 60 days to complete a physical examination under paragraph (1).

(d) SECOND OPINIONS.—An enrolled college athlete shall have the right to obtain a medical second opinion independent from the medical opinion given by the institution of higher education of the enrolled college athlete.

(e) INDEPENDENCE OF TRAINERS, LICENSED MENTAL HEALTH PROFESSIONALS, MEDICAL PERSONNEL, AND VOLUNTEERS.—

(1) IN GENERAL.—Any sports trainer, licensed mental health professional, or medical personnel employed by an institution of higher education shall—

(A) be employed by an office or department of the institution of higher education that is independent of the athletic department; and
(B) operate independently from the athletic department.

(2) VOLUNTEERS.—Any sports trainer, licensed mental health professional, or medical personnel who volunteers to provide athletic training or mental health or medical services for college athletes for an institution of higher education shall operate independently from the athletic department.

SEC. 6. HEALTH, WELLNESS, AND SAFETY STANDARDS.

(a) Establishment of Standards.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”), acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, shall establish health, wellness, and safety standards for intercollegiate athletic programs.

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

(A) consult with—
(i) the Sports Science Institute of the National Collegiate Athletic Association; and

(ii) college athlete health and safety advocacy communities; and

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

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

(A) cardiac health;

(B) concussion and traumatic brain injuries;

(C) illegal performance enhancers and substance abuse;

(D) mental health;

(E) nutrition, sleep, and performance;

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

(G) sexual assault and interpersonal violence;

(H) athletics health care administration;
(I) weight and pain management;

(J) Rhabdomyolysis;

(K) sickle cell trait;

(L) asthma;

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

(N) coaching principles prioritizing college athlete well-being; and

(O) any other topic the Secretary considers appropriate.

(b) TRainers AND MEDical Personnel.—Athletic trainers and physicians shall have the autonomous, unchallengeable authority to determine medical management and return-to-play decisions with respect to college athletes, and a coach or other nonmedical personnel of an institution of higher education may not attempt to influence or disregard such decisions.

(c) Routine Compliance Audits.—Not less frequently than annually, the Commission shall conduct an audit of athletic departments to verify compliance with the standards established under subsection (a)(1).

(d) Penalties.—
(1) **INDIVIDUALS.**—An individual shall be subject to a lifetime ban on involvement in intercollegiate athletics if the individual is found to have—

(A) caused serious harm—

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

(ii) by failing to adequately address such noncompliance;

(B) threatened or retaliated against any individual or entity that reports such noncompliance;

(C) knowingly provided false information;

or

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

(2) **INSTITUTIONS OF HIGHER EDUCATION.**—An institution of higher education found to be in noncompliance with a standard established under subsection (a)(1) shall be responsible for medical and academic expenses related to the resulting harm of a college athlete and any other penalty or remedy, as determined by the Commission.
SEC. 7. COLLEGE ATHLETES’ RIGHT TO EDUCATIONAL OUTCOMES.

(a) GUARANTEE OF GRANT-IN-AID.—

(1) IN GENERAL.—Except as provided in paragraph (3), an institution of higher education that provides an enrolled college athlete with grant-in-aid for an academic year shall provide the individual with grant-in-aid described in paragraph (2) for each subsequent academic year in which the individual is enrolled at the institution—

(A) until the individual receives an undergraduate degree from such institution; and

(B) regardless of athletic performance or permanent injury.

(2) AMOUNT.—Grant-in-aid awarded to an individual for a subsequent year in accordance with paragraph (1) shall be in an amount equal to the grant-in-aid provided to the individual for the preceding year, increased annually for inflation, at a rate reported by the Bureau of Labor Statistics for the preceding year

(3) EXCEPTIONS.—Paragraph (1) shall not apply with respect to an individual who—

(A) is found by the institution of higher education to have committed academic fraud or
other misconduct that would ordinarily result in
expulsion; or

(B) earns a grade point average of less
than 2.20 on a 4-point scale, or the equivalent,
for 2 or more consecutive semesters.

(b) Requirements for Academic Advising and
Tutoring.—Any academic advisor or tutoring services
provided to an enrolled college athlete by an institution
of higher education shall be independent from the athletic
department of the institution of higher education.

(c) No Influence or Retaliation for
Coursework.—An individual employed by or volun-
teeering for an athletic department of an institution of
higher education may not—

(1) attempt to discourage an enrolled college
athlete from selecting a course or an academic major
of their choice; or

(2) retaliate against an enrolled college athlete
based on—

(A) the enrolled college athlete’s selection
of any course or academic major; or

(B) the enrolled college athlete’s attention
to coursework required by such course or major.

(d) No Interference in Extracurriculars.—
An individual employed by an athletic department of an
institution of higher education shall not interfere with, or
discourage, any enrolled college athlete who wishes to se-
cure employment or internships, participate in student
groups or events, or serve as a volunteer, as long as such
activities do not interfere with mandatory class time, ex-
amination periods, or mandatory team activities.

SEC. 8. COLLEGE ATHLETES’ RIGHT TO TRANSPARENCY.

(a) In general.—Prospective college athletes, in-
cluding enrolled college athletes seeking a transfer to an
institution of higher education, shall have the right to
transparency in agreements that grant an institution of
higher education control over the intercollegiate athletics
eligibility of enrolled college athletes.

(b) Disclosures.—

(1) In general.—Such an agreement shall in-
clude the following disclosures, which shall be legally
binding:

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

(B) The amount and duration of institu-
tion of higher education athletics grant-in-aid
that will be provided to assist the prospective
college athlete with graduate degree completion
following the expiration of their intercollegiate
athletics eligibility.

(C) The percentage of comprehensive med-
ic coverage required, including any required
coverage to participate in intercollegiate ath-
etics or to enroll as a student, that will be paid
for by the institution of higher education during
the enrolled college athlete’s intercollegiate ath-
etics eligibility.

(D) The percentage of any out-of-pocket
sports-related medical expenses, including
deductibles, copays, and coinsurance, that will
be paid by the institution of higher education
during the prospective college athlete’s inter-
collegiate athletics eligibility, and any duration
that such expenses will be covered after the pro-
spective college athlete’s intercollegiate athletics
eligibility expires. The difference between any
in-network and out-of-network expenses shall be
stated.

(E) Whether the institution of higher edu-
cation will pay for a disability insurance policy
to cover future loss of earnings and any limit
to such a policy, including the maximum pos-
sible benefits based on similarly situated college
athletes.

(F) Notice that a college athlete has the
opportunity to transfer and be released from a
national letter of intent as outlined in this Act.

(2) STRUCTURE.—The disclosures required by
paragraph (1) shall be listed—
(A) in the order in which the disclosures
are described in that paragraph; and
(B) beginning on the first page of such
agreement.

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

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

(a) IN GENERAL.—Each institution of higher edu-
cation shall—
(1) offer a financial literacy and life skills devel-
oment program described in subsection (b); and
(2) require every enrolled college athlete to at-
tend the program during the enrolled college ath-
(b) Financial Literacy and Life Skills Development Program.—

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

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

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

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

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

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

(2) Limitation.—A financial literacy and life skills development program offered under subsection (a) may not include any marketing, advertising, referral, or solicitation by providers of financial products or services.
SEC. 10. REPORTING AND ACCOUNTABILITY.

(a) Annual Reporting by Institutions of Higher Education.—Not later than 60 days after the date on which an academic year ends, each institution of higher education with 1 or more athletic programs shall publish on a publicly accessible internet website of the institution and submit to the Commission a report that includes, for the academic year, the following:

(1) The revenues and expenditures of each athletic program, including donations, Federal funds, State funds, and compensation for athletic program personnel, individually and in the aggregate.

(2) The average number of hours enrolled college athletes participating in an intercollegiate sport spent on athletic activities and team travel, including mandatory team activities and voluntary team activities, disaggregated by athletic program.

(3) The academic outcomes and majors for enrolled college athletes reported by the Commission, disaggregated by athletic program, current or former participation in an intercollegiate sport, race and ethnicity, and gender.

(b) Commission Database.—The Commission shall maintain a publicly accessible, searchable database that contains the information provided in each annual report submitted under subsection (a).
SEC. 11. COMMISSION ON COLLEGE ATHLETICS.

(a) Establishment.—There is established a commission, to be known as the “Commission on College Athletics”, for the following purposes:

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

(2) To protect the academic, health, and economic interests of college athletes.

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

(4) To enforce this Act and the standards established under subsection (d)(1) in a manner adequate to deter violations, and to set penalties for violations.

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

(b) Organization.—

(1) Federal Charter.—The Commission is a federally chartered corporation, governed by a board of directors, and entrusted with the constitutional duty to take care that the laws be faithfully executed.

(2) Perpetual Existence.—Except as otherwise provided in subsection (n), the Commission has perpetual existence.
(3) STATUS.—The Commission is not an agency (as defined in section 551 of title 5, United States Code).

(4) CONSTITUTION AND BYLAWS.—The Commission shall adopt a constitution and bylaws that reflect the rights and protections set forth in this Act.

(c) BOARD OF DIRECTORS.—

(1) COMPOSITION.—

(A) IN GENERAL.—The board of directors of the Commission (referred to in this section as the “Board”) shall be comprised of 9 members, who, subject to subparagraphs (B) through (E), shall be appointed by the President, by and with the advice and consent of the Senate.

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

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

(D) REQUIREMENTS.—

(i) IN GENERAL.—Each member appointed under subparagraph (A) shall have
achieved distinction in his or her respective professional field.

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

(I) Not fewer than 5 members filling the designated categories described in subclauses (II) through (IX) shall be former college athletes who have graduated from an institution of higher education.

(II) 1 member shall have expertise in sports, contracts, and publicity rights law.

(III) 1 member shall have expertise in constitutional law with respect to the freedom of speech.

(IV) 1 member shall have expertise in communications.

(V) 1 member shall be a certified public accountant with expertise in corporate financial audits and corporate compliance investigations.
(VI) 1 member shall have expertise in arbitration.

(VII) 1 member shall have expertise in sports economics.

(VIII) 1 member shall have expertise in civil rights law and compliance with Title IX.

(IX) 2 members shall have expertise in health, wellness, and safety in sports.

(E) INDEPENDENCE.—

(i) IN GENERAL.—An individual who is employed by an institution of higher education, serves on the governing body of an institution of higher education, or receives compensation from an athletic program of an institution of higher education, an intercollegiate athletic association, or a conference, including a commissioner or an administrator of such an athletic program, an intercollegiate athletic association, or a conference, may not serve as a member of the Board.

(ii) FORMER COMMISSIONERS AND ADMINISTRATORS.—A former commissioner
or administrator of an athletic program of
an institution of higher education, an
intercollegiate athletic association, or a
conference shall not be eligible to serve on
the Board.

(2) TERMS; VACANCIES.—

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

(i) the Chair shall be appointed for a
term of 2 years; and
(ii) of the other members first ap-
pointed—

(I) 4 members shall be appointed
for a term of 5 years;
(II) 3 members shall be ap-
pointed for a term of 4 years; and
(III) 2 members shall be ap-
pointed for a term of 3 years.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the
Board shall be filled in the manner in
which the original appointment was made
and shall be subject to any condition that
applied with respect to the original appointment.

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

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

(3) **CHAIR.**—

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

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

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

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

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

(d) Duties and Authority.—

(1) Establishment of Standards.—

(A) Endorsement Contracts.—The Commission shall establish standards with respect to a college athlete’s use of, and ability to profit from, their name, image, likeness, and athletic reputation.

(B) Certification of College Athlete Agents.—

(i) In General.—The Commission shall establish standards with respect to—

(I) registration and annual certification of—

(aa) college athlete agents;

(bb) agencies and entities that represent college athletes;

(cc) attorneys who represent college athletes in endorsement contracts; and

(dd) individuals and entities that provide financial advising services to college athletes;
(II) revocation of such certification, including the power to assess fines and penalties for individuals and entities that do not comply with Commission standards; and

(III) agency fees charged by college athlete agents.

(ii) Recognition of the Commission as College Athlete Agent Certification Body.—Section 3 of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7802) is amended by adding at the end the following:

"(c) Recognition of the Commission on College Athletics as Certification Body.—The Commission on College Athletics established by section 11 of the College Athletes Bill of Rights shall—

"(1) be recognized as the certification body for athlete agents; and

"(2) have the authority to establish standards and procedures with respect to the registration, annual certification, and conduct of athlete agents.".

(iii) Educational Requirements for College Athlete Agents.—The Commission may not establish a standard
requiring college athlete agents to attain a bachelor’s degree, an associate’s degree, or a graduate degree from an institution of higher education.

(C) Health, wellness, and safety.—The Commission shall establish standards with respect to the health, wellness, and safety of college athletes consistent with the standards established by the Secretary of Health and Human Services under section 6(a)(1).

(D) Purposes of commission governing standards.—In establishing the standards under this paragraph, the Commission shall ensure that such standards effectuate the purposes of the Commission set forth in subsection (a).

(2) Development of educational materials.—

(A) In general.—The Commission shall develop and disseminate educational materials relating to endorsement contracts for college athletes, institutions of higher education, intercollegiate athletic associations, and conferences.

(B) Dissemination of information.—The member of the Board described in sub-
section (c)(1)(D)(ii)(IV) shall be responsible for disseminating such educational materials.

(3) Reporting mechanism.—

(A) In general.—The Commission shall establish and maintain a dedicated telephone hotline and an online portal by which college athletes may report—

(i) instances of improper conduct; and

(ii) noncompliance with the standards established under section 6(a)(1).

(B) Procedure.—Not later than 30 days after receiving a report from a college athlete regarding an instance of improper conduct or noncompliance with such guidelines, the Commission shall—

(i) determine whether an investigation is warranted; and

(ii) provide to the college athlete notification of the determination made under clause (i), together with a justification for such determination.

(C) Protection from retaliation.—A college athlete who makes a report under this paragraph shall be protected from threats and retaliation.
(4) Resolution of disputes.—

(A) In general.—The Commission shall provide a forum for the swift and equitable resolution of conflicts relating to endorsement contracts through a dispute resolution process for college athletes, institutions of higher education, intercollegiate athletic associations, and conferences.

(B) Procedure.—

(i) In general.—With respect to a dispute resolution process referred to in subparagraph (A), the Commission shall—

(I) provide to applicable individuals or entities notice and an opportunity for a hearing; and

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

(ii) Appeal.—A party to such a dispute resolution process may appeal the decision of the arbitrator to the Commission, which may—

(I) review the decision; and

(II) issue a final decision.

(5) Assessment of fees.—
(A) Annual agent certification fees.—The Commission may assess an annual certification fee for each college athlete agent certified in accordance with the standards established under paragraph (1)(B).

(B) Certain intercollegiate athletic associations and conferences.—

(i) In general.—Beginning in 2023, not later than August 1 each year, athletic associations and conferences that generate over $200,000,000 in annual revenue shall pay a fee to the Commission in an amount determined by the Commission that, subject to paragraph (2), in the aggregate totals not more than $50,000,000.

(ii) Adjustments.—The aggregate amount described in subparagraph (A) shall be increased annually for inflation, at a rate reported by the Bureau of Labor Statistics for the preceding year.

(iii) Remittance of fees.—Intercollegiate athletic associations and conferences shall remit such fees to the Commission.
(C) COLLECTION.—The Commission may collect fees under paragraphs (A) and (B) in accordance with such rules as the Commission may establish.

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

(A) MONITORING.—The Commission shall monitor and provide publicly available information about the compliance with Title IX of athletic programs within an institution of higher education that is subject to Title IX.

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

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

(7) ADMINISTRATION OF MEDICAL TRUST FUND.—
(A) IN GENERAL.—The Commission shall administer the Fund as described in section 5(a).

(B) ANNUAL ASSESSMENTS.—Not less frequently than annually, the Commission shall determine—

(i) the necessary funding levels to be maintained in the Fund to adequately fulfill the financial obligations of the Fund; and

(ii) the amount each institution of higher education with an athletic department shall be required to contribute for the applicable academic year, in accordance with section 5(a)(2).

(C) MAINTENANCE OF FUNDS.—On an ongoing basis, the Commission shall maintain in the Fund the level of funding determined necessary under subparagraph (B)(i).

(D) COLLECTION.—Not less frequently than annually, the Commission shall collect from institutions of higher education with athletic departments the amount determined under subparagraph (B)(ii).
(8) ADDITIONAL DUTIES AND AUTHORITIES.—

The Commission—

(A) shall—

(i) maintain the database as described in section 10(b);

(ii) issue reports as described in subsection (j);

(iii) conduct audits of athletic programs to ensure compliance with this Act and standards established under paragraph (1);

(iv) carry out investigations relating to violations of this Act or any such standard;

(v) establish penalties for violations of this Act, including civil penalty amounts, and update such penalties on an annual basis to adjust for inflation;

(vi) establish rules to conduct reviews of contracts under section 3(a)(2), taking into considering payment arrangements that provide royalties to college athletes whose names, images, likenesses, or athletic reputations are used in such activities; and
(vii) carry out enforcement actions as described in section 12(a); and

(B) may—

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

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

(iii) enter into contracts;

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

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

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

(vii) subpoena an individual the testimony of whom may be relevant to such duties; and

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

(c) ADVISORY COUNCILS.—

(1) ATHLETE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—There is established within the Commission an Athlete Advisory Council to provide advice and information to the Commission.

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

(i) 50 percent shall be enrolled college athletes participating in an intercollegiate sport.

(ii) 50 percent shall be former college athletes who have graduated from institutions of higher education.

(2) OTHER ADVISORY COUNCILS.—There are established within the Commission, for the purpose of providing advice and expertise to the Commission and with inclusion of current college athletes, former college athletes, and athletic administrators—

(A) a Health, Wellness, and Safety Advisory Council;
(B) an Educational Opportunity Advisory Council;

(C) a Labor and Compensation Advisory Council; and

(D) a Gender Equity Advisory Council.

(3) Term.—The term of a member of an advisory council established under this subsection shall be 2 years.

(4) Report.—Not later than 1 year after the date of the enactment of this Act, the Labor and Compensation Advisory Council shall issue a public report that describes potential pathways for college athletes to collectively bargain and form a union.

(f) Ombudsman for College Athletes.—

(1) In General.—The Commission shall hire and provide salary, benefits, and administrative expenses for an ombudsman for college athletes (referred to in this subsection as the “Ombudsman”).

(2) Duties.—The Ombudsman shall—

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

(i) the provisions of this Act;

(ii) the constitution and bylaws of the Commission; and
(iii) the resolution of any dispute relating to the opportunity of a college athlete to enter into an endorsement contract;

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

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

(3) Hiring Procedures; Vacancy; Termination.—

(A) Hiring Procedures.—The procedure for hiring the Ombudsman shall be as follows:

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

(ii) The chair of the Board shall immediately transmit the name of such individual to the Board.

(iii) The Board shall hire or not hire such individual after fully considering the advice and counsel of the Athlete Advisory Council.

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

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

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

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

(I) a majority of the Board; or

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

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

(g) RESTRICTIONS.—

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

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

(h) HEADQUARTERS, PRINCIPAL OFFICE, AND
MEETINGS.—The Commission shall maintain its principal
office and national headquarters in a location in the United States decided by the Commission. The Commission may hold its annual and special meetings in the places decided by the Commission.

(i) SERVICE OF PROCESS.—As a condition to the exercise of any authority or privilege granted by this section, the Commission shall have a designated agent to receive service of process for the Commission. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the Commission.

(j) REPORTS.—Not less frequently than annually, the Commission shall submit to the Committee on Commerce, Transportation, and Science of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the President a report that includes—

(1) the number of disputes resolved by the Commission in the preceding year under subsection (d)(4), and if applicable, a description of such dispute resolutions;

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

(3) with respect to a violation of this Act or a standard or rule established under this Act, a summary of the violation and a description of the enforcement action taken by the Commission;
(4) recommendations for legislative or administrative action, as the Commission considers appropriate.

(k) Applicability of the Freedom of Information Act.—The provisions of section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), shall apply to the activities, records, and proceedings of the Commission.

(l) Funding.—Any fee assessed or fine imposed under this Act shall be allocated toward funding the Commission and its activities.

(m) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2023 and 2024.

(n) Effective Date.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 12. ENFORCEMENT.

(a) Enforcement by Commission.—

(1) In general.—The Commission shall carry out enforcement actions for any violation of this Act, or a standard or rule established under this Act, including by—

(A) levying fines;
(B) imposing penalties, including suspension or a permanent ban of an individual or entity from participation in intercollegiate athletics competition for a period determined by the Commission; and

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

(2) NOTICE.—With respect to an enforcement action carried out under this subsection, the Commission shall provide to the individual or entity concerned notice of the enforcement action and an opportunity for a hearing.

(3) IMPOSITION OF FINES.—With respect to a violation of this Act, or a standard or rule established under this Act, that has damaged or unjustly enriched a regulated party, the Commission shall impose a fine in an amount not less than the value of the damage or unjust enrichment.

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

(A) in enforcing any provision of this Act, the standards and rules established under this Act, or any other law or regulation; and
(B) in any civil action, suit, or proceeding to which the Commission is a party.

(5) COMPROMISE OF ACTIONS.—The Commission may compromise or settle any civil action if such compromise or settlement is approved by the court.

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

(7) RULE OF CONSTRUCTION.—An enforcement action carried out by the Commission shall be construed as an enforcement action carried out by the Federal Government, and the Federal Government shall be considered to be exercising political responsibility for such action, regardless of any claim of a State to sovereign immunity under the 11th Amendment to the Constitution of the United States or any other law.

(b) INSTITUTIONS OF HIGHER EDUCATION.—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)(A) The institution will—

“(i) comply, and ensure that all business partners of the institution comply, with the re-
requirements of sections 3, 4, 7, 8, 9, and 10(a) of the College Athletes Bill of Rights; and “(ii) not participate in any athletic conference or athletic association that fails to comply with such requirements.”.

(e) Private Right of Action.—A college athlete aggrieved by a violation of this Act, or a standard or rule established under this Act, may bring a civil action for all appropriate remedies in a Federal district court of competent jurisdiction.

(d) Actions by State.—

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

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

(B) for all appropriate remedies.
(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection or commencing any other administrative or regulatory proceeding to enforce this Act, or a standard or rule established under this Act, the attorney general, official, or agency of the State involved shall provide to the Commission—

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

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

(B) CONTENTS OF NOTICE.—The written notice required by subparagraph (A) shall include—

(i) the identity of the parties;

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

(iii) an assessment as to whether there is a need to coordinate the prosecution of the action or proceeding so as not to interfere with any action or proceeding undertaken by the Commission or a Federal agency.
(C) COMMISSION RESPONSE.—On receiving notice under this paragraph of an action or proceeding under this subsection, the Commission shall have the right—

(i) to intervene in the action or proceeding;

(ii) upon so intervening—

(I) to remove the action or proceeding to the appropriate United States district court, if the action or proceeding was not originally brought there; and

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

and

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

(3) REGULATIONS.—The Commission shall prescribe regulations to implement this subsection and, from time to time, provide guidance to further coordinate actions with State attorneys general and other regulators.

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

(e) Applicability of Sports Agent Responsibility
and Trust Act to College Athlete Agents.—Sections 3 through 5 of the Sports Agent Re-
sponsibility and Trust Act (15 U.S.C. 7802–7804) shall
apply with respect to college athlete agents.

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

SEC. 13. PREEMPTION.
No State or political subdivision of a State may es-
tablish or continue in effect any law or regulation that
governs, regulates, or abrogates—
(1) the right of college athletes to be compensated by a third party for use of their name, image, likeness, or athletic reputation;

(2) the freedom and right of college athletes to secure representation by college athlete agents or group licensing entities;

(3) the regulation and certification of college athlete agents and group licensing entities; and

(4) intercollegiate athletics eligibility with respect to—

(A) transfers to another institution of higher education; and

(B) professional sports drafts.

SEC. 14. RULES OF CONSTRUCTION.

Nothing in this Act may be construed—

(1) to preempt, modify, limit, or supersede any State law or regulation relating to attorneys or sports agents or other athlete representatives who are not college athlete agents; or

(2) to modify or limit the enforcement authority of the Occupational Safety and Health Administration, the Department of Labor, the Department of Education, or any other Federal agency.
SEC. 15. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.