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Text of H.R. 4312, the SCORE Act[Showing the text of H.R. 4312, as ordered reported by the Committee on Education and Workforce and the Committee on Energy and Commerce, with modifications]

A BILL

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.

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. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) an interstate intercollegiate athletic association under this Act shall represent the interests of student athletes, institutions, and conferences and allow for student input and consideration in decision making;

(2) an interstate intercollegiate athletic association under this Act may consider, thoroughly and in good faith, new proposals to modify governance mechanisms to ensure that the interests of student athletes, institutions, and conferences are fairly represented;

(3) institutions and conferences involved in an interstate intercollegiate athletic association under this Act should consider, thoroughly and in good faith, means to create additional revenue sufficient to maintain the number of sports, roster spots, and athletic scholarships available at each institution, which may involve proposals to Congress on amending existing law (including with respect to media marketing) and should strive to avoid the use of student fees; and

(4) any rules, regulations, or policies governing student athlete transfers between institutions should—

(A) prioritize the academic development, success, and well-being of student athletes above all other considerations;

(B) ensure that student athletes are provided sufficient time and support to maintain academic eligibility and progress toward degree completion; and

(C) minimize unnecessary disruptions to the educational experience of student athletes with respect to transfer decisions or timelines.

SEC. 2-3. 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, or 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~~the following revenue (without regard to ownership or legal title to such revenue) received by an institution with respect to intercollegiate ~~athletics—athletics:~~

(A) Revenue 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) Revenue 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; competitions.~~

- (C) Revenue 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~~; applicable.
- (D) Revenue 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~~; championship.
- (E) Revenue 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~~; expenses.
- (F) Revenue from a conference, other than any revenue otherwise described in this ~~paragraph~~; paragraph.
- (G) Revenue for sponsorships, licensing agreements, advertisements, royalties, and in-kind products and services as part of a sponsorship ~~agreement~~; or agreement.
- (H) ~~relating to any~~ Any additional form of revenue, ~~including fundraising~~, an interstate intercollegiate athletic association ~~uses~~ chooses to include with respect to calculating 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~~ education-related financial awards for academic performance paid to a student ~~athletes by institutions~~ athlete by an institution for an academic year, the aggregate amount of which does not exceed the maximum aggregate amount permitted for such awards for such academic year pursuant to the rules established by the interstate intercollegiate athletic association of which the institution is a member;
- (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. 10871l).
- (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~~ team.
- (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 6Z; 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~~ means any of the following:

(A) ~~compensation~~ 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), unless such compensation is provided for any the 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~~ institution.

(B) ~~compensation~~ 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. 3.4. 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.

(3) *Dispute resolution processes.*—If a dispute resolution process relating to prohibited compensation is established by an interstate intercollegiate athletic association pursuant to section 7(a)(3) and available to a student athlete, enforcement by the interstate intercollegiate athletic association of rules related to prohibited compensation shall be treated as compliant with this Act with respect to such student athlete without regard to whether—

(A) such student athlete engages in such dispute resolution process; or

(B) such dispute resolution process has concluded with respect to such student athlete (if action taken at the conclusion of such process is consistent with and conforms to the final determination reached with respect to such process).

(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, in the aggregate, 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~~ eligible to compete in intercollegiate athletics.

(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.

(f) **LIMITATION ON ACTIONS BY STATES.**—No attorney general of a State, or other official or agency of a State, may bring a civil action under subsection (e) on behalf of student athletes or prospective student athletes, if such student athletes or prospective student athletes have not pursued and exhausted any relevant dispute resolution process available under the rules of an interstate intercollegiate athletic association.

(g) RULE OF CONSTRUCTION.—Nothing in subsection (e) may be construed to authorize an individual or entity that is not an attorney general, official, or agency of a State to bring a civil action on behalf of the State pursuant to such subsection.

SEC. ~~4.5~~. 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(a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) charge a student athlete a fee with respect to an endorsement contract that is in an amount that is greater than 5 percent of the amount of the compensation provided to such student athlete under such contract;

“(3) enter into an agency contract with a student athlete that does not include a provision specifying that the student athlete may terminate the agency contract, notwithstanding any other term described in the agency contract, beginning on the date on which the student athlete is no longer eligible to compete in intercollegiate sports;”

;

(2) 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

(23) 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 acting as a fiduciary with respect to such student athlete;

“(2) whether the athlete agent is registered with an interstate intercollegiate athletic association (as defined in section 23 of the SCORE Act); and

“(23) 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 23 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.~~

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SEC. 5.6. 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~~ financial, tax, and legal literacy;
- (G) ~~career~~ 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~~ for participating 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 for participating in intercollegiate athletics;
 - (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 at least 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)(A) 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)~~ *in a manner that complies with section 106.41(c) of title 34, Code of Federal Regulations (or successor regulations) (in this paragraph referred to as "section 106.41(c))"; or*

(B) in the case of an institution that, on the day before the date of enactment of this Act, maintains at least 14 varsity sports teams, maintain at least the number of varsity sports teams such institution maintained on such date in a manner that complies with section 106.41(c).

(b) COLLABORATION.—An institution may carry out *paragraphs (1) through (4) of* 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~~ *\$25,000,000* (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 ~~56~~ of the SCORE Act, the institution will comply with subsection (a) of such section.”

SEC. ~~6-7~~ 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 *any* such ~~an~~ agreement includes an institution as a party to the agreement);

(3) prohibited compensation, including processes for dispute resolution and penalties, if—

(A) 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; and

(B) any such process provides to a student athlete written notice, an opportunity to be heard before an impartial decision maker, and a right to representation by counsel;

(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~~ *establishing* 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, including by ensuring that such payments are provided to a student athlete only if such student athlete met the academic standards described in paragraph (7) during the preceding academic year;

(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~~ the student athlete satisfies any academic or other eligibility requirements of the institution); 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~~ may 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~~ seasons regarding 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); ~~and~~

(11) establishing a maximum aggregate amount permitted for education-related financial awards paid to a student athlete by an institution for an academic year, except that such maximum aggregate amount may not be less than \$5,980.

(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~~

ensure that, with respect to 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 subsection 6(a)), ~~satisfies the following:~~

~~(i) Not~~

~~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—

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

(~~HB~~) 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. ~~7.8~~. 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. ~~8.9~~. 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 ~~67~~ 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. ~~9.10~~. 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 receipt of compensation pursuant to, or the exercise of the rights guaranteed by, this Act (or the amendments made by this Act), the participation of such individual on a varsity sports team or in an intercollegiate athletic competition as a student athlete, ~~without regard to or~~ the existence of rules or requirements for being a member of such team or for participating in such competition.

SEC. ~~10.11~~. 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~~.12. 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—

(A) 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~~ may participate in intercollegiate athletics or the academic standards to ~~be eligible to~~ participate in intercollegiate athletics;

(C) recruitment with respect to intercollegiate athletics;

(D) student athlete transfers between institutions with respect to intercollegiate athletics; or

(E) intercollegiate athletic playing seasons regarding 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);

(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 subsection (a) and the amendments made by this Act; ~~or~~

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

SEC. ~~12.~~13. 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~~

COMPLIANCE REPORTING.—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~~the appropriate congressional committees a report that includes—

~~(A)~~1 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)~~2 a summary of the trends among institutions, conferences, and interstate intercollegiate athletic associations relating to such compliance; and

~~(C)~~3 recommendations to improve the health, safety, and educational opportunities of student athletes.

~~(2b) COMPTROLLER GENERAL REPORT~~STUDY ON OLYMPIC SPORTS.—

~~Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the~~(1) In general.—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~~

a study—

(A) to assess the impact of this Act, including the amendments made by 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; an analysis of how participation in youth sports programs affects the pipeline to participation in Olympic Sports at institutions, including trends with respect to specialization and youth sports access and the effect of such trends on the long-term development of Olympic Sports;

(C) an examination of the role of the United States Olympic & Paralympic Committee in promoting Olympic Sports at the youth and institutional levels and the feasibility of the Committee to provide support to institutions for the purpose of enhancing Olympic Sports;

(D) an analysis of the coordination required to develop and cultivate Olympic Sports at institutions; and

~~(D)~~

(E) 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 that invest the largest amounts in institutions with respect to average annual college sports revenue; intercollegiate athletics; and

(F) an evaluation of the participation of international student athletes in Olympic Sports.

(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 the appropriate congressional committees a report on the results of the study conducted under paragraph (1).

~~(4c) OLYMPIC SPORTS DEFINED.—IN THIS SUBSECTION, THE TERM “OLYMPIC SPORTS” MEANS THE SPORTS OFFICIALLY RECOGNIZED AND CONTESTED DURING THE SUMMER AND WINTER OLYMPIC GAMES~~ DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means each of the following:

(A) In the House of Representatives—

- (i) the Committee on Education and Workforce;
- (ii) the Committee on Energy and Commerce; and
- (iii) the Committee on the Judiciary.

(B) In the Senate—

- (i) the Committee on Commerce, Science, and Transportation;
- (ii) the Committee on Health, Education, Labor, and Pensions; and

(iii) the Committee on the Judiciary.

(2) Olympic Sports.—The term “Olympic Sports” means the sports contested during the Summer and Winter Olympic Games, as determined by the Comptroller General in consultation with the Chair and Ranking Member of each of the appropriate congressional committees.

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