

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 4312**  
**OFFERED BY MRS. MCCLAIN OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Student Compensation  
3 and Opportunity through Rights and Endorsements Act”  
4 or the “SCORE Act”.

**5 SEC. 2. DEFINITIONS.**

6       In this Act:

7           (1) AGENT.—The term “agent” means an indi-  
8 vidual who receives compensation to represent a stu-  
9 dent athlete with respect to—

10           (A) a name, image, and likeness agree-  
11 ment; or

12           (B) another agreement for compensation  
13 related to the participation of such student ath-  
14 lete on a varsity sports team.

15           (2) ANTITRUST LAWS.—The term “antitrust  
16 laws” has the meaning given such term in the 1st  
17 section of the Clayton Act (15 U.S.C. 12) and in-  
18 cludes section 5 of the Federal Trade Commission

1 Act (15 U.S.C. 45) to the extent that such section  
2 5 applies to unfair methods of competition.

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

6 (A) An entity that is known or should be  
7 known to the employees of the athletic depart-  
8 ment of such institution to exist, in significant  
9 part, for the purpose of—

10 (i) promoting or supporting the var-  
11 sity sports teams or student athletes of  
12 such institution; or

13 (ii) creating or identifying opportuni-  
14 ties relating to name, image, and likeness  
15 agreements solely for the student athletes  
16 of such institution.

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

21 (C) An individual who directly or indirectly  
22 (including through contributions by an entity  
23 affiliated with such individual or an immediate  
24 family member of such individual) has contrib-  
25 uted more than \$50,000 (as adjusted on July

1 each year by the percentage increase (if any),  
2 during the preceding 12-month period, in the  
3 Consumer Price Index for All Urban Con-  
4 sumers published by the Bureau of Labor Sta-  
5 tistics) over the lifetime of the individual to the  
6 athletic programs of such institution or to an  
7 entity described in subparagraph (A).

8 (D) An individual or entity who—

9 (i) is directed or requested by the em-  
10 ployees of the athletic department of such  
11 institution to assist in the recruitment or  
12 retention of prospective student athletes or  
13 student athletes, respectively; or

14 (ii) otherwise assists in such recruit-  
15 ment or retention.

16 (E) Any entity (other than a publicly trad-  
17 ed corporation) owned, controlled, operated by,  
18 or otherwise affiliated with an individual or en-  
19 tity described in subparagraph (A), (B), (C), or  
20 (D).

21 (4) COLLEGE SPORTS REVENUE.—The term  
22 “college sports revenue” means any revenue (without  
23 regard to ownership or legal title to such revenue)  
24 received by an institution with respect to intercolle-  
25 giate athletics—

1 (A) from the sale of admission to inter-  
2 collegiate athletic competitions or any other  
3 event involving a varsity sports team, including  
4 actual monetary revenue received by or for the  
5 benefit of such institution for a suite license  
6 (unless such suite license is associated with phi-  
7 lanthropy or any purpose not related to inter-  
8 collegiate athletic competitions, including a con-  
9 cert);

10 (B) from participation by the varsity  
11 sports teams of such institution in intercolle-  
12 giate athletic competitions held at other institu-  
13 tions, including payments received due to can-  
14 cellations of such intercollegiate athletic com-  
15 petitions;

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

20 (D) from an interstate intercollegiate ath-  
21 letic association, including any grant, distribu-  
22 tion of revenue, reimbursement relating to trav-  
23 el with respect to a championship of such inter-  
24 state intercollegiate athletic association, and  
25 payment for hosting such a championship;

1 (E) generated by a post-season football  
2 bowl, including any distribution of revenue by a  
3 conference to members of the conference and  
4 any other payment related to the participation  
5 of such institution in such post-season football  
6 bowl, including for ticket sales and reimburse-  
7 ment of expenses;

8 (F) from a conference, other than any rev-  
9 enue otherwise described in this paragraph;

10 (G) for sponsorships, licensing agreements,  
11 advertisements, royalties, and in-kind products  
12 and services as part of a sponsorship agree-  
13 ment; or

14 (H) relating to any additional form of rev-  
15 enue, including fundraising, an interstate inter-  
16 collegiate athletic association uses with respect  
17 to the pool limit of such interstate intercolle-  
18 giate athletic association.

19 (5) COMPENSATION.—The term “compensa-  
20 tion”—

21 (A) means, with respect to a student ath-  
22 lete or a prospective student athlete, any form  
23 of payment or remuneration, whether provided  
24 through cash, benefits, awards, or any other  
25 means, including payments for—

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

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

6 (B) does not include—

7 (i) grants-in-aid;

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

12 (iii) health insurance and payments  
13 for the costs of health care, including  
14 health insurance and payments for the  
15 costs of health care wholly or partly self-  
16 funded by an institution, conference, or  
17 interstate intercollegiate athletic associa-  
18 tion;

19 (iv) disability and loss-of-value insur-  
20 ance, including disability and loss-of-value  
21 insurance that is wholly or partly self-  
22 funded by an institution, conference, or  
23 interstate intercollegiate athletic associa-  
24 tion;

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

4 (vi) payment of hourly wages and ben-  
5 efits for work actually performed (and not  
6 for participation in intercollegiate ath-  
7 letics) at a rate commensurate with the  
8 going rate in the locality of an institution  
9 for similar work;

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

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

14 (ix) any program to connect student  
15 athletes with employers and facilitate em-  
16 ployment opportunities, if—

17 (I) the financial terms of such  
18 employment opportunities are con-  
19 sistent with the terms offered to simi-  
20 larly situated employees who are not  
21 student athletes; and

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

1           (6) CONFERENCE.—The term “conference”  
2 means an entity that—

3           (A) has as members 2 or more institutions;

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

7           (C) sets rules with respect to such inter-  
8 collegiate athletic competitions and champion-  
9 ships.

10          (7) COST OF ATTENDANCE.—The term “cost of  
11 attendance” has the meaning given such term in sec-  
12 tion 472 of the Higher Education Act of 1965 (20  
13 U.S.C. 1087ll).

14          (8) GRANT-IN-AID.—The term “grant-in-aid”  
15 means a scholarship, grant, stipend, or other form of  
16 financial assistance, including the provision of tui-  
17 tion, room, board, books, or funds for fees or per-  
18 sonal expenses, that—

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

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



1           (9) IMAGE.—The term “image” means, with re-  
2           spect to a student athlete, a picture or a video that  
3           identifies, is linked to, or is reasonably linkable to  
4           such student athlete.

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

9           (11) INTERCOLLEGIATE ATHLETIC COMPETI-  
10          TION.—The term “intercollegiate athletic competi-  
11          tion” means any contest, game, meet, match, tour-  
12          nament, regatta, or other event in which varsity  
13          sports teams of more than 1 institution compete.

14          (12) INTERCOLLEGIATE ATHLETICS.—The term  
15          “intercollegiate athletics”—

16                (A) means the varsity sports teams for  
17                which the length of time a student athlete is eli-  
18                gible to participate and the academic standards  
19                for participation are established by a conference  
20                or an interstate intercollegiate athletic associa-  
21                tion; and

22                (B) does not include any recreational, in-  
23                tramural, or club teams.

1           (13) INTERSTATE INTERCOLLEGIATE ATHLETIC  
2       ASSOCIATION.—The term “interstate intercollegiate  
3       athletic association” means—

4           (A) any entity that—

5               (i) sets common rules, standards, pro-  
6               cedures, or guidelines for the administra-  
7               tion and regulation of varsity sports teams  
8               and intercollegiate athletic competitions;

9               (ii) is composed of 2 or more institu-  
10              tions or conferences located in more than  
11              1 State; and

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

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

18       (14) LIKENESS.—The term “likeness” means,  
19       with respect to a student athlete, a physical or dig-  
20       ital depiction or representation that identifies, is  
21       linked to, or is reasonably linkable to such student  
22       athlete.

23       (15) NAME.—The term “name” means, with re-  
24       spect to a student athlete, the first, middle, or last  
25       name, or the nickname or former name, of such stu-

1       dent athlete if used in a context that identifies, is  
2       linked to, or is reasonably linkable to such student  
3       athlete.

4           (16) NAME, IMAGE, AND LIKENESS AGREE-  
5       MENT.—The term “name, image, and likeness agree-  
6       ment” means a contract or similar agreement under  
7       which a student athlete licenses or authorizes, or a  
8       contract or similar agreement that otherwise is in  
9       relation to, the commercial use of the name, image,  
10      or likeness of the student athlete.

11          (17) NAME, IMAGE, AND LIKENESS RIGHTS.—  
12      The term “name, image, and likeness rights” means  
13      rights recognized under Federal or State law that  
14      allow an individual to control and profit from the  
15      commercial use of the name, image, and likeness of  
16      such individual, including all rights commonly re-  
17      ferred to as “publicity rights”.

18          (18) POOL LIMIT.—The term “pool limit”  
19      means a dollar amount based on college sports rev-  
20      enue that—

21           (A) is calculated and published by an  
22           interstate intercollegiate athletic association  
23           pursuant to the rules the interstate intercolle-  
24           giate athletic association establishes under sec-  
25           tion 6; and

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

8 (19) PROHIBITED COMPENSATION.—The term  
9 “prohibited compensation” means—

10 (A) compensation (including an agreement  
11 for compensation) to a student athlete from an  
12 associated entity or individual of the institution  
13 at which the student athlete is enrolled (or to  
14 a prospective student athlete from an associated  
15 entity or individual of an institution for which  
16 the prospective student athlete is being re-  
17 cruited) for any license or use of the name,  
18 image, and likeness rights of such student ath-  
19 lete or prospective student athlete (or any other  
20 license or use), unless the license or use is for  
21 a valid business purpose related to the pro-  
22 motion or endorsement of goods or services pro-  
23 vided to the general public for profit, with com-  
24 pensation at rates and terms commensurate  
25 with compensation paid to individuals with

1 name, image, and likeness rights of comparable  
2 value who are not student athletes or prospec-  
3 tive student athletes with respect to such insti-  
4 tution; and

5 (B) compensation to a student athlete (or  
6 a prospective student athlete) if such compensa-  
7 tion is paid by or on behalf of the institution  
8 at which the student athlete is enrolled (or for  
9 which the prospective student athlete is being  
10 recruited) and results in the exceeding of the  
11 pool limit established by the interstate inter-  
12 collegiate athletic association of which such in-  
13 stitution is a member.

14 (20) PROSPECTIVE STUDENT ATHLETE.—The  
15 term “prospective student athlete” means an indi-  
16 vidual who is solicited to enroll at an institution by,  
17 or at the direction of, an employee or an associated  
18 entity or individual of the institution in order for  
19 such individual to participate in a varsity sports  
20 team of such institution.

21 (21) STATE.—The term “State” means each  
22 State of the United States, the District of Columbia,  
23 and each commonwealth, territory, or possession of  
24 the United States.

1           (22) STUDENT ATHLETE.—The term “student  
2 athlete” means an individual who—

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

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

7           (23) VARSITY SPORTS TEAM.—The term “var-  
8 sity sports team” means an entity composed of an  
9 individual or group of individuals enrolled at an in-  
10 stitution that is organized by such institution for the  
11 purpose of participation in intercollegiate athletic  
12 competitions.

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

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

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

21           (2) EXCEPTIONS.—

22           (A) PROHIBITED COMPENSATION.—Para-  
23 graph (1) does not apply with respect to a  
24 name, image, and likeness agreement to the ex-

1           tent such agreement provides prohibited com-  
2           pensation.

3                   (B) CODES OF CONDUCT AND CON-  
4           FLICTING AGREEMENTS.—Notwithstanding  
5           paragraph (1), an institution may restrict the  
6           ability of a student athlete of such institution  
7           (including a prospective student athlete who has  
8           agreed to attend such institution) to enter into  
9           a name, image, and likeness agreement that—

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

12                   (ii) conflicts with the terms of a con-  
13           tract or similar agreement to which such  
14           institution is a party.

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

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

1 (d) RIGHT TO TRANSPARENT AGREEMENTS.—A  
2 name, image, and likeness agreement under which a stu-  
3 dent athlete is provided compensation in an amount great-  
4 er than \$600 shall be considered void from the inception  
5 of such agreement if such agreement does not satisfy the  
6 following:

7 (1) The agreement is in writing.

8 (2) The agreement contains the following:

9 (A) A description of any services to be ren-  
10 dered under the agreement.

11 (B) The names of the parties to the agree-  
12 ment.

13 (C) The term of the agreement.

14 (D) The amount of compensation to be  
15 provided to the student athlete under the agree-  
16 ment.

17 (E) A provision specifying the cir-  
18 cumstances or events under which the agree-  
19 ment may be terminated due to non-perform-  
20 ance of obligations by the student athlete.

21 (F) A provision specifying that the student  
22 athlete may terminate the agreement, notwith-  
23 standing any other term described in the agree-  
24 ment, beginning on the date that is 6 months



1 after the date on which the student athlete is  
2 no longer enrolled at any institution.

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

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

16 (1) enjoin such act or practice;

17 (2) enforce compliance with this section;

18 (3) obtain damages, restitution, or other com-  
19 pensation on behalf of residents of the State; or

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

22 **SEC. 4. SPORTS AGENT RESPONSIBILITY AND TRUST ACT.**

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

1           (1) in section 3(b)(3), by striking “Warning to  
2       Student Athlete: If you agree orally or in writing to  
3       be represented by an agent now or in the future you  
4       may lose your eligibility to compete as a student ath-  
5       lete in your sport.” and inserting “Notice to Student  
6       Athlete:”; and

7           (2) by adding at the end the following:

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

10       “(a) IN GENERAL.—An athlete agent who assists a  
11       student athlete with an endorsement contract shall dis-  
12       close in writing to the student athlete—

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

16           “(2) if the athlete agent is registered with an  
17       interstate intercollegiate athletic association, whether  
18       the athlete agent is registered with the interstate  
19       intercollegiate athletic association that has as a  
20       member the institution (as defined in section 2 of  
21       the SCORE Act) at which the student athlete is en-  
22       rolled.

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

1 athlete with an endorsement contract if the student athlete  
2 (or, in the case of a student athlete who is under 18 years  
3 of age, the parent or guardian of the student athlete) pro-  
4 vides to the athlete agent written consent for such assist-  
5 ance after receiving the disclosure under subsection (a).

6 “(c) ENFORCEMENT.—

7 “(1) IN GENERAL.—If an attorney general of a  
8 State has reason to believe that an interest of the  
9 residents of that State has been or is threatened or  
10 adversely affected by the engagement of any athlete  
11 agent in a practice that violates this section, the at-  
12 torney general may bring a civil action pursuant to  
13 section 5 in the same manner as the attorney gen-  
14 eral may bring a civil action with respect to a viola-  
15 tion of section 3.

16 “(2) SOLE AUTHORITY.—No individual or enti-  
17 ty other than an attorney general of a State may en-  
18 force this section.

19 “(3) NO FEDERAL NOTICE NECESSARY.—Sub-  
20 sections (a)(2), (b), and (d) of section 5 do not  
21 apply to an action brought by an attorney general of  
22 a State pursuant to this subsection.”.

1 **SEC. 5. REQUIREMENTS APPLICABLE TO CERTAIN INSTITU-**  
2 **TIONS.**

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

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

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

11 (B) strength and conditioning;

12 (C) nutrition;

13 (D) name, image, and likeness rights;

14 (E) access to legal and tax services pro-  
15 vided by entities other than an institution;

16 (F) financial literacy;

17 (G) career readiness and counseling;

18 (H) the process for transferring between  
19 institutions; and

20 (I) sexual violence prevention and con-  
21 sequences;

22 (2) provide medical and health benefits to stu-  
23 dent athletes that include—

24 (A) medical care, including payment of  
25 out-of-pocket expenses, for an injury of a stu-  
26 dent athlete incurred during the involvement of

1           such student athlete in intercollegiate athletics  
2           for such institution that is available to such  
3           student athlete during the period of enrollment  
4           of such student athlete with such institution  
5           and a period of at least 3 years following grad-  
6           uation or separation from such institution (un-  
7           less such separation is due to violation of a code  
8           of conduct);

9           (B) mental health services and support, in-  
10          cluding mental health educational materials and  
11          resources;

12          (C) an administrative structure that pro-  
13          vides independent medical care, including with  
14          respect to decisions regarding return to play;  
15          and

16          (D) a certification of insurance coverage  
17          for medical expenses resulting from injuries of  
18          student athletes incurred during the involve-  
19          ment of such student athletes in intercollegiate  
20          athletics for such institution;

21          (3) maintain a grant-in-aid provided to a stu-  
22          dent athlete in relation to the involvement of such  
23          student athlete in intercollegiate athletics during the  
24          period of that grant-in-aid for such institution with-  
25          out regard to—

1 (A) athletic performance;

2 (B) contribution to team success;

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

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

7 (4) provide degree completion assistance—

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

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

12 (ii) who was a student athlete at such  
13 institution on or after the date of enact-  
14 ment of this Act and who ceased partici-  
15 pating as a student athlete for a reason  
16 other than a reason described in clause (i)  
17 or (ii) of subparagraph (D);

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

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

24 (B) that makes available to such former  
25 student athlete, for the period described in sub-

1 paragraph (C) and subject to subparagraph  
2 (D), financial aid in an annual amount that is  
3 equal to the average annual grant-in-aid pro-  
4 vided to such former student athlete during the  
5 period that such former student athlete was a  
6 student athlete at such institution;

7 (C) for the period beginning on the last  
8 date of the final period of enrollment during  
9 which such former student athlete was a stu-  
10 dent athlete at such institution and ending on  
11 the date that such former student athlete com-  
12 pletes a bachelor's degree (or an equivalent de-  
13 gree), not to exceed 7 years; and

14 (D) that prohibits a former student athlete  
15 from receiving the financial aid described in  
16 subparagraph (B) if such former student ath-  
17 lete—

18 (i) fails to meet the institution's aca-  
19 demic progress requirements for the degree  
20 program; or

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

23 (5) establish, not later than July 1, 2027, and  
24 thereafter maintain, at least 16 varsity sports teams  
25 and, if a recipient of Federal financial assistance, es-

1       tablish and maintain such teams in accordance with  
2       section 106.41(c) of title 34, Code of Federal Regu-  
3       lations (or successor regulations).

4       (b) COLLABORATION.—An institution may carry out  
5       subsection (a) in conjunction with a conference or inter-  
6       state intercollegiate athletic association.

7       (c) APPLICABILITY.—An institution is described in  
8       this subsection if such institution reports (as required  
9       under section 485(g) of the Higher Education Act of 1965  
10      (20 U.S.C. 1092(g))) having generated not less than  
11      \$20,000,000 (as adjusted on July 1 each year by the per-  
12      centage increase (if any), during the preceding 12-month  
13      period, in the Consumer Price Index for All Urban Con-  
14      sumers published by the Bureau of Labor Statistics) in  
15      total revenue derived by the institution from the institu-  
16      tion’s intercollegiate athletics activities during the pre-  
17      ceding academic year, as determined in accordance with  
18      paragraph (1)(I) of section 485(g) of the Higher Edu-  
19      cation Act of 1965 (20 U.S.C. 1092(g)), as amended by  
20      this Act.

21      (d) PROGRAM PARTICIPATION AGREEMENTS.—Sec-  
22      tion 487(a) of the Higher Education Act of 1965 (20  
23      U.S.C. 1094(a)) is amended by adding at the end the fol-  
24      lowing:



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

5   **SEC. 6. ROLES OF INTERSTATE INTERCOLLEGIATE ATH-**  
6           **LETIC ASSOCIATIONS.**

7           (a) **AUTHORITY TO ESTABLISH RULES.**—An inter-  
8           state intercollegiate athletic association is authorized to  
9           establish and enforce rules with respect to—

10           (1) requiring a student athlete or prospective  
11           student athlete to disclose, in a timely manner, the  
12           terms of a name, image, and likeness agreement en-  
13           tered into by such student athlete;

14           (2) establishing and implementing a process to  
15           collect and publicly share aggregated and  
16           anonymized data related to the name, image, and  
17           likeness agreements of student athletes (without re-  
18           gard to whether such an agreement includes an in-  
19           stitution as a party to the agreement);

20           (3) prohibited compensation, including proc-  
21           esses for dispute resolution and penalties, if such  
22           rules provide that a student athlete does not lose eli-  
23           gibility to compete in intercollegiate athletic competi-  
24           tions while a process for dispute resolution is ongo-  
25           ing;

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

5           (5) calculating a pool limit, if such rules provide  
6           that such pool limit is at least 22 percent of the av-  
7           erage annual college sports revenue of the 70 highest  
8           earning (with respect to such revenue) member insti-  
9           tutions of such interstate intercollegiate athletic as-  
10          sociation (or, if such interstate intercollegiate ath-  
11          letic association has fewer than 70 members, the av-  
12          erage annual college sports revenue of all members),  
13          and monitoring payments of compensation related to  
14          such pool limit;

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

18                (A) on at least 1 occasion each student  
19                athlete may transfer between institutions and  
20                be immediately eligible to participate on a var-  
21                sity sports team of the institution to which the  
22                student athlete transfers (if academically eligi-  
23                ble to participate); and

24                (B) an institution to which a student ath-  
25                lete is transferring or is considering transfer-

1 ring shall provide to such student athlete, at  
2 the request of such student athlete, in writing  
3 and at a reasonable time prior to completion of  
4 the transfer, a notice of the previously earned  
5 academic credits of such student athlete that  
6 such institution will accept, including with re-  
7 spect to the program of study of such student  
8 athlete;

9 (7) the length of time a student athlete is eligi-  
10 ble to participate in intercollegiate athletics and the  
11 academic standards to be eligible to participate in  
12 intercollegiate athletics;

13 (8) establishing and implementing a process, in-  
14 cluding a database, with respect to agent registra-  
15 tion, including—

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

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

21 (C) limiting the amount of the compensa-  
22 tion under a name, image, and likeness agree-  
23 ment between a student athlete and an institu-  
24 tion that may be provided to the agent of such

1 student athlete to not more than 5 percent of  
2 such compensation;

3 (9) the membership of, and participation in,  
4 such interstate intercollegiate athletic association  
5 (including any championships administered by such  
6 interstate intercollegiate athletic association), under  
7 which such interstate intercollegiate athletic associa-  
8 tion may establish membership qualifications, re-  
9 move members, and otherwise regulate participation;  
10 and

11 (10) intercollegiate athletic competitions and  
12 playing seasons, including rules with respect to sea-  
13 son length, maximum number of contests, and stu-  
14 dent athlete time demands (whether during a play-  
15 ing season or outside of such season).

16 (b) REQUIREMENTS.—

17 (1) AUTHORITY CONDITIONED ON COMPLI-  
18 ANCE.—An interstate intercollegiate athletic associa-  
19 tion is only authorized to establish and enforce rules  
20 under subsection (a) if such interstate intercollegiate  
21 athletic association is in compliance with this sub-  
22 section and section 3.

23 (2) GOVERNANCE STRUCTURE.—An interstate  
24 intercollegiate athletic association (except for an

1 interstate intercollegiate athletic association that is  
2 also a conference) shall carry out the following:

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

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

15 (I) men and women equally rep-  
16 resented with respect to such individ-  
17 uals; and

18 (II) each such individual partici-  
19 pating in or having participated in a  
20 different sport.

21 (ii) Not less than 30 percent of the  
22 members of the board, committee, or body  
23 represent institutions that are not among  
24 the 70 highest earning member institutions  
25 of such interstate intercollegiate athletic

1 association with respect to annual college  
2 sports revenue.

3 (B) Establish a council to serve as the pri-  
4 mary deliberative body of the interstate inter-  
5 collegiate athletic association and that is—

6 (i) responsible for developing pro-  
7 posals with respect to policy; and

8 (ii) composed of individuals who rep-  
9 resent each conference that is a member of  
10 such interstate intercollegiate athletic asso-  
11 ciation.

12 **SEC. 7. TITLE IX.**

13 Nothing in this Act, or the amendments made by this  
14 Act, may be construed to limit or otherwise affect title  
15 IX of the Education Amendments of 1972 (20 U.S.C.  
16 1681 et seq.).

17 **SEC. 8. LIABILITY LIMITATION.**

18 (a) IN GENERAL.—Adoption of, agreement to, com-  
19 pliance with, or enforcement of any rule, regulation, re-  
20 quirement, standard, or other provision established pursu-  
21 ant to, or in compliance with, section 6 of this Act shall  
22 be treated as lawful under the antitrust laws and any simi-  
23 lar State provision having the force and effect of law.

24 (b) RULE OF CONSTRUCTION.—Nothing in sub-  
25 section (a) may be construed to limit or otherwise affect

1 any provision of law, including any provision of Federal  
2 or State law or the common law, other than the antitrust  
3 laws and any similar State provision having the force and  
4 effect of law.

5 **SEC. 9. EMPLOYMENT STANDING.**

6 Notwithstanding any other provision of Federal or  
7 State law, no individual may be considered an employee  
8 of an institution, a conference, or an interstate intercolle-  
9 giate athletic association based on the participation of  
10 such individual on a varsity sports team or in an inter-  
11 collegiate athletic competition as a student athlete, with-  
12 out regard to the existence of rules or requirements for  
13 being a member of such team or for participating in such  
14 competition.

15 **SEC. 10. STUDENT ATHLETIC FEES.**

16 (a) TRANSPARENCY REQUIREMENTS.—

17 (1) INFORMATION DISSEMINATION ACTIVITIES.—Section 485(a)(1)(E) of the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1092(a)(1)(E)) is  
19 amended by inserting “(including the amount of  
20 such fees used to support intercollegiate athletic pro-  
21 grams)” after “and fees”.

22 (2) DATA REQUIRED.—  
23

1 (A) IN GENERAL.—Section 485(g) of the  
2 Higher Education Act of 1965 (20 U.S.C.  
3 1092(g)) is amended—

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

6 “(K) With respect to fees charged to stu-  
7 dents to support intercollegiate athletic pro-  
8 grams—

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

11 “(ii) the uses of such fees with respect  
12 to facilities, operating expenses, scholar-  
13 ships, payments to athletes, salaries of  
14 coaches and support staff, and any other  
15 expenses reported under this paragraph;  
16 and

17 “(iii) the percentage of the total cost  
18 of such programs covered by such fees.”;  
19 and

20 (ii) in paragraph (3)—

21 (I) by striking the period at the  
22 end and inserting “; and”;

23 (II) by striking “that all stu-  
24 dents” and inserting the following:  
25 “that—



1 “(A) all students”; and

2 (III) by adding at the end the  
3 following:

4 “(B) with respect to the information de-  
5 scribed in paragraph (1)(K), the institution  
6 shall annually publish such information on a  
7 publicly available website of the institution not  
8 later than October 15 following the end of each  
9 fiscal year of the institution.”.

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

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

17 (1) MEDIA RIGHTS REVENUES.—Section  
18 485(g)(1)(I)(ii) of the Higher Education Act of  
19 1965 (20 U.S.C. 1092(g)(1)(I)(ii)) is amended by  
20 striking “broadcast revenues” and inserting “media  
21 rights revenues (including revenues from broad-  
22 casting, streaming, or digital distribution of inter-  
23 collegiate athletic events)”.

24 (2) PROGRAM PARTICIPATION AGREEMENTS.—  
25 Section 487(a) of the Higher Education Act of 1965

1 (20 U.S.C. 1094(a)), as amended by this Act, is fur-  
2 ther amended by adding at the end the following:

3 “(31)(A) Beginning in academic year 2028–  
4 2029, and each succeeding academic year, the insti-  
5 tution will determine the average annual media  
6 rights revenue of such institution by averaging the  
7 media rights revenues reported under section  
8 485(g)(1)(I) for the second and third preceding aca-  
9 demic years.

10 “(B) In the case of an institution with an aver-  
11 age annual media rights revenue of \$50,000,000 or  
12 more, as determined under subparagraph (A) for an  
13 academic year, the institution will not, for the first  
14 academic year that begins after such academic year,  
15 use student fees to support intercollegiate athletic  
16 programs (including with respect to facilities, oper-  
17 ating expenses (as defined in section 485(g)(5)),  
18 scholarships, payments to athletes, salaries of coach-  
19 es and support staff, and any other expenses re-  
20 ported under section 485(g)(1)).”.

21 **SEC. 11. PREEMPTION.**

22 (a) IN GENERAL.—No State, or political subdivision  
23 of a State, may maintain, enforce, prescribe, or continue  
24 in effect any law, rule, regulation, requirement, standard,  
25 or other provision having the force and effect of law that

1 conflicts with this Act, including the amendments made  
2 by this Act, and that—

3 (1) governs or regulates the compensation, pay-  
4 ment, benefits, or employment status of a student  
5 athlete (including a prospective student athlete) with  
6 respect to participation in intercollegiate athletics,  
7 including any law, rule, regulation, requirement,  
8 standard, or other provision that—

9 (A) relates to the right of a student athlete  
10 to receive compensation or other payments or  
11 benefits directly or indirectly from any institu-  
12 tion, associated entity or individual, conference,  
13 or interstate intercollegiate athletic association;  
14 or

15 (B) relates to the length of time a student  
16 athlete is eligible to participate in intercollegiate  
17 athletics or the academic standards to be eligi-  
18 ble to participate in intercollegiate athletics;

19 (2) limits or restricts a right provided to an in-  
20 stitution, a conference, or an interstate intercolle-  
21 giate athletic association under this Act; or

22 (3) requires a release of or license to use the  
23 name, image, and likeness rights of any individual  
24 participant, or group of participants, in an inter-  
25 collegiate athletic competition (or an individual spec-

1 tator or group of spectators at an intercollegiate  
2 athletic competition) for purposes of audio-visual,  
3 audio, or visual broadcasts or other distributions of  
4 such intercollegiate athletic competition.

5 (b) RULE OF CONSTRUCTION.—Nothing in sub-  
6 section (a) may be construed to—

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

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

13 **SEC. 12. REPORTS.**

14 (a) FEDERAL TRADE COMMISSION STUDY.—

15 (1) STUDY.—The Federal Trade Commission  
16 shall conduct a study to analyze the impacts of es-  
17 tablishing a program, administered by an entity  
18 independent of any institution, conference, or inter-  
19 state intercollegiate athletic association, to develop  
20 standards for, certify as compliant with such stand-  
21 ards, and otherwise regulate agents who enter into  
22 agreements with student athletes, which shall in-  
23 clude an analysis of—

24 (A) options for establishing such a pro-  
25 gram;

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

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

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

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

14 (b) COMPLIANCE REPORTING.—

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

20 (A) a summary of the issues faced by such  
21 interstate intercollegiate athletic association re-  
22 lating to compliance with this Act, including the  
23 amendments made by this Act;

24 (B) a summary of the trends among insti-  
25 tutions, conferences, and interstate intercolle-

1           giate athletic associations relating to such com-  
2           pliance; and

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

6           (2) COMPTROLLER GENERAL REPORT.—Not  
7           later than 5 years after the date of the enactment  
8           of this Act, and every 5 years thereafter, the Comp-  
9           troller General of the United States shall—

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

13           (B) submit to Congress a report that in-  
14           cludes—

15           (i) a summary of the findings of the  
16           investigation conducted under subpara-  
17           graph (A); and

18           (ii) recommendations to improve the  
19           health, safety, and educational opportuni-  
20           ties of student athletes.

21           (c) STUDY ON OLYMPIC SPORTS.—

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

1 (A) to assess the impact of this Act on  
2 Olympic Sports, including the funding of Olym-  
3 pic Sports; and

4 (B) to develop recommendations for sup-  
5 port of Olympic Sports, given the unique nature  
6 of Olympic Sports and intercollegiate athletics  
7 in the United States.

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

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

15 (B) the projected scale and magnitude of  
16 potential support for Olympic Sports, given his-  
17 toric levels of support provided by institutions;

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

21 (D) an analysis of the trends with respect  
22 to roster sizes for Olympic Sports at institu-  
23 tions, with a focus on the top 70 highest earn-  
24 ing institutions with respect to average annual  
25 college sports revenue.

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

6           (4) OLYMPIC SPORTS DEFINED.—In this sub-  
7       section, the term “Olympic Sports” means the  
8       sports officially recognized and contested during the  
9       Summer and Winter Olympic Games.

