

117TH CONGRESS
2D SESSION

S. 4855

To protect the rights of student athletes and to provide for transparency and accountability with respect to student athlete name, image, and likeness agreements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2022

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the rights of student athletes and to provide for transparency and accountability with respect to student athlete name, image, and likeness agreements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Collegiate Athlete
5 Compensation Rights Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ATHLETIC ASSOCIATION.—The term “ath-
2 letic association” means any organization or other
3 group that—

4 (A) has 2 or more conferences as members;
5 and

6 (B) arranges, sets rules for, or regulates
7 varsity intercollegiate sports competition.

8 (2) ATHLETIC DEPARTMENT.—The term “ath-
9 letic department” means a department at an institu-
10 tion responsible for sponsoring 1 or more varsity
11 intercollegiate athletic programs.

12 (3) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—The term “appropriate committees of Con-
14 gress” means—

15 (A) the Committee on Commerce, Science,
16 and Transportation and the Committee on
17 Health, Education, Labor, and Pensions of the
18 Senate; and

19 (B) the Committee on Energy and Com-
20 merce and the Committee on Education and
21 Labor of the House of Representatives.

22 (4) BOOSTER.—With respect to an institution,
23 the term “booster” means—

1 (A) an individual or entity that, directly or
2 indirectly, through any other individual or enti-
3 ty or in any other manner—

4 (i) has provided a donation to obtain
5 season tickets for any varsity intercolle-
6 giate athletic program at the institution
7 that exceeds the annual amount deter-
8 mined by the Commission;

9 (ii) has made a financial contribution
10 directly to the athletic department or other
11 athletics management organization of the
12 institution in an amount that exceeds the
13 annual amount determined by the Commis-
14 sion;

15 (iii) is party to any agreement for use
16 of the trademarks of the institution in con-
17 nection with any varsity intercollegiate ath-
18 letic program under which the total pay-
19 ments exceed such amount;

20 (iv) has made any combination of
21 such financial donations, contributions, ex-
22 penditures, or payments in connection with
23 an activity described in any of clauses (i)
24 through (iii), that, in the aggregate, exceed
25 such amount;

1 (v) has arranged or provided employ-
 2 ment for 1 or more student athletes; or

3 (vi) has assisted, or been requested by
 4 an employee of the institution to assist, in
 5 the recruitment of a prospective student
 6 athlete; and

7 (B) includes any entity, group or collective,
 8 including any tax-exempt or nonprofit entity,
 9 that is controlled by, or receives or has received
 10 25 percent or more of its funding or assets
 11 from, 1 or more individuals or entities described
 12 in subparagraph (A) of the institution.

13 (5) CERTIFIED AGENT.—The term “certified
 14 agent” means an athlete agent (as defined in section
 15 2 of the Sports Agent Responsibility and Trust Act
 16 (15 U.S.C. 7801)), a contract advisor, a financial
 17 advisor, a marketing representative, a brand man-
 18 ager, or a similarly employed individual who is cer-
 19 tified by the Commission as being in full compliance
 20 with all requirements established by the Commis-
 21 sion—

22 (A) to represent a student athlete in a
 23 name, image, and likeness agreement;

(B) to provide consulting services to a student athlete with respect to a name, image, and likeness agreement; or

(C) to recruit or solicit, directly or indirectly, a student athlete—

(i) to engage in an activity described in subparagraph (A) or (B); or

(ii) to represent or attempt to represent a student athlete for the purpose of marketing the name, image, or likeness of the student athlete.

(6) CHAIR.—The term “Chair” means the Chair of the Federal Trade Commission.

(7) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(8) CONFERENCE.—The term “conference” means any organization that—

(A) is not an athletic association;

(B) has 2 or more institutions as members;

and

(C) arranges championships, sets rules for, or regulates varsity intercollegiate sports competition.

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

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

(B) shall be calculated by the financial aid office of an institution by applying the same standards, policies, and procedures for all students at such institution.

(10) COVERED COMPENSATION.—

(A) IN GENERAL.—With respect to a name, image, and likeness agreement, the term “covered compensation” means any payment, remuneration, or benefit, including cash, awards, gifts, and in-kind contributions, that—

(i) is provided by a third party to a student athlete;

(ii) is commensurate with the market value for the activity carried out under the name, image, and likeness agreement; and

(iii) is not, or is not intended to be, a recruiting inducement or compensation for participation in a varsity intercollegiate sport.

(B) EXCLUSION.—The term “covered compensation” does not include grant-in-aid.

1 (11) GRANT-IN-AID.—The term “grant-in-aid”
2 means—

3 (A) tuition, room, board, books, fees, and
4 personal expenses paid or provided by an insti-
5 tution up to the full cost of attendance;

6 (B) Federal Pell Grants and other State
7 and Federal grants unrelated to, and not
8 awarded with respect to, participation in varsity
9 intercollegiate sports competition;

10 (C) health insurance and the costs of
11 health care wholly or partly self-funded by an
12 athletic association, a conference, or an institu-
13 tion;

14 (D) disability and loss of value insurance
15 that is wholly or partly self-funded by an ath-
16 letic association, a conference, or an institution;

17 (E) career counseling or job placement
18 services available to all students at an institu-
19 tion; or

20 (F) payment of hourly wages and benefits
21 for work actually performed (and not for par-
22 ticipation in a varsity intercollegiate athletic
23 program) at a rate commensurate with the pre-
24 vailing rate in the locality of an institution for
25 similar work.

1 (12) IMAGE.—The term “image”, with respect
 2 to a student athlete, means a photograph, video, or
 3 computer-generated representation that identifies, is
 4 linked to, or is reasonably linkable to the student
 5 athlete.

6 (13) INSTITUTION.—The term “institution”
 7 means an institution of higher education (as defined
 8 in section 101 of the Higher Education Act of 1965
 9 (20 U.S.C. 1001)).

10 (14) LIKENESS.—The term “likeness”, with re-
 11 spect to a student athlete, means—

12 (A) with respect to a student athlete of a
 13 sport for which the student athlete has a jersey
 14 number, the jersey number associated with the
 15 student athlete and the sport in which the stu-
 16 dent athlete participates at a particular institu-
 17 tion during the period of the participation of
 18 the student athlete in the sport at the institu-
 19 tion, if the jersey number is accompanied by—

20 (i) a logo or color scheme that is
 21 clearly associated with the institution; or

22 (ii) some other means by which the
 23 jersey number is associated with the par-
 24 ticular student athlete; and

25 (B) with respect to any student athlete—

1 (i) the uniquely identifiable voice,
 2 catch phrase, or nickname of the student
 3 athlete; or

4 (ii) any other mark that identifies or
 5 distinguishes the student athlete.

6 (15) LOSS OF VALUE INSURANCE.—The term
 7 “loss of value insurance” means insurance that pro-
 8 tects the future contract value of a student athlete
 9 from decreasing below a predetermined amount due
 10 to significant injury or illness suffered by the stu-
 11 dent athlete during the designated coverage period
 12 of the insurance policy.

13 (16) NAME.—The term “name”, with respect to
 14 a student athlete, means the first or last name, the
 15 nickname, or the username on any internet platform
 16 of the student athlete when used in a context that
 17 reasonably identifies the student athlete with speci-
 18 ficity or particularity.

19 (17) NAME, IMAGE, AND LIKENESS AGREE-
 20 MENT.—The term “name, image, and likeness agree-
 21 ment” means a contract or similar arrangement be-
 22 tween a student athlete and a third party regarding
 23 the commercial use of the name, image, or likeness
 24 of the student athlete in exchange for covered com-
 25 pensation.

1 (18) PROSPECTIVE STUDENT ATHLETE.—The
2 term “prospective student athlete” means an indi-
3 vidual attending an elementary school or a sec-
4 ondary school (as such terms are defined in section
5 8101 of the Elementary and Secondary Education
6 Act of 1965 (20 U.S.C. 7801)) who participates in
7 a sport program.

8 (19) PUBLICITY RIGHT.—The term “publicity
9 right”—

10 (A) means a right that is recognized under
11 a Federal or State law that permits an indi-
12 vidual to control and profit from the commer-
13 cial use of the name, image, or likeness of the
14 individual; and

15 (B) includes any right that is licensed
16 under a name, image, and likeness agreement.

17 (20) STUDENT ATHLETE.—The term “student
18 athlete” means any individual enrolled at an institu-
19 tion who participates as a team member or compet-
20 itor in varsity intercollegiate sports competition
21 sponsored by the institution.

22 (21) THIRD PARTY.—The term “third party”
23 means an individual or entity that is not—

24 (A) an institution;

25 (B) an athletic department;

1 (C) an organization or a foundation that
 2 provides financial support to an institution or
 3 athletic department;

4 (D) a conference;

5 (E) an athletic association;

6 (F) a certified agent; or

7 (G) an employee of any such individual or
 8 entity.

9 (22) VARSITY INTERCOLLEGIATE ATHLETIC
 10 PROGRAM.—The term “varsity intercollegiate ath-
 11 letic program” means a sport played at the inter-
 12 collegiate level, administered by an athletic depart-
 13 ment, for which eligibility requirements for partici-
 14 pation by student athletes are established by an ath-
 15 letic association.

16 (23) VARSITY INTERCOLLEGIATE SPORTS COM-
 17 PETITION.—The term “varsity intercollegiate sports
 18 competition” means a competition involving 2 or
 19 more varsity intercollegiate athletic programs spon-
 20 sored by different institutions.

21 **SEC. 3. STUDENT ATHLETE NAME, IMAGE, AND LIKENESS**
 22 **RIGHTS AND PROTECTIONS.**

23 (a) IN GENERAL.—Except as provided in section 4,
 24 an athletic association, a conference, or an institution, or

1 any representative of such an entity, shall permit a stu-
2 dent athlete or a group of student athletes—

3 (1) to market, or to earn covered compensation
4 for the value of, their name, image, or likeness; and

5 (2) to obtain or retain a certified agent for any
6 matter or activity relating to such covered com-
7 pensation.

8 (b) CONSENT AND COMPENSATION FOR GROUP
9 USE.—

10 (1) IN GENERAL.—Subject to paragraph (2), a
11 third party may not use the name, image, or likeness
12 of any group described in subsection (a) to sell or
13 promote any product or service unless the third
14 party obtains the written consent from each member
15 of the group for that purpose.

16 (2) CERTAIN THIRD PARTY AGREEMENTS WITH
17 INSTITUTIONS, CONFERENCES, AND ATHLETIC ASSO-
18 CIATIONS.—

19 (A) IN GENERAL.—Paragraph (1) shall not
20 apply to a third party that enters into an agree-
21 ment with an institution, a conference, or an
22 athletic association to produce or distribute live,
23 archival, or delayed audiocast or videocast of a
24 varsity intercollegiate sports competition of the
25 institution, including—

- 1 (i) a commercial that promotes such a
 2 competition; and
 3 (ii) audio or video distributions of
 4 such a competition.

5 (B) RULE OF CONSTRUCTION.—Nothing in
 6 this paragraph may be construed to require an
 7 institution, a conference, or an athletic associa-
 8 tions to provide compensation or payment to
 9 any student athlete for appearing in an
 10 audiocast or videocast of a varsity intercolle-
 11 giate sports competition of an institution.

12 (c) RESCISSION OF AGREEMENTS.—In the case of a
 13 student athlete who no longer participates in a varsity
 14 intercollegiate athletic program, the student athlete may
 15 rescind a name, image, and likeness agreement with a re-
 16 maining term of more than 1 year—

- 17 (1) without being held liable for breach; and
 18 (2) with no obligation to return payments re-
 19 ceived before giving notice of the rescission.

20 (d) EDUCATIONAL RESOURCES.—The Commission
 21 shall make available on a publicly accessible internet
 22 website of the Commission educational resources for stu-
 23 dent athletes with respect to financial and contract lit-
 24 eracy and earning covered compensation for the commer-

1 cial use of the name, image, or likeness of the student
2 athlete, which shall—

3 (1) generally describe the legal and business
4 concepts to be considered in licensing publicity
5 rights; and

6 (2) include information concerning the implica-
7 tions of contract provisions that may restrict a stu-
8 dent athlete's choice of institutions or bind the stu-
9 dent athlete to long-term arrangements.

10 **SEC. 4. PROHIBITIONS ON CERTAIN ACTIVITIES OF INSTI-**
11 **TUTIONS, BOOSTERS, AND THIRD PARTIES.**

12 (a) **RESTRICTIONS ON EARNING COVERED COM-**
13 **PENSATION.**—Except as provided in a rule established in
14 accordance with section 8, an athletic association, a con-
15 ference, or an institution may not—

16 (1) adopt or maintain a contract, rule, regula-
17 tion, standard, or other requirement that prevents or
18 unduly restricts a student athlete from earning cov-
19 ered compensation for the use of the name, image,
20 or likeness of the student athlete;

21 (2) impose a speech restriction for student ath-
22 letes that is more stringent than any speech restric-
23 tion imposed on other students at the same institu-
24 tion;

1 (3) limit athletic opportunities for a student
2 athlete solely on the basis of the student athlete's
3 commercial use of his or her name, image, or like-
4 ness; or

5 (4) coordinate or cooperate with any other insti-
6 tution, conference, or athletic association to limit
7 payment offered to a student athlete under a name,
8 image, and likeness agreement.

9 (b) CLASSIFICATION OF STUDENT ATHLETES.—Not-
10 withstanding any other provision of Federal or State law,
11 a student athlete shall not be considered an employee of
12 an athletic association, a conference, or an institution with
13 respect to the participation of the student athlete in a var-
14 sity intercollegiate sports competition.

15 (c) SCHOLARSHIPS.—An institution, a conference, or
16 an athletic association may not revoke, reduce, or impose
17 a condition on an athletic scholarship of a student athlete
18 based on the student athlete having earned covered com-
19 pensation or having obtained a certified agent in accord-
20 ance with this Act.

21 (d) PREVENTING CONFLICTS OF INTEREST.—An in-
22 stitution, an athletic association, a conference, or a busi-
23 ness partner of such an entity may not—

1 (1) represent a student athlete or prospective
2 student athlete in a name, image, and likeness
3 agreement;

4 (2) arrange a name, image, and likeness agree-
5 ment on behalf of a student athlete or prospective
6 student athlete;

7 (3) enter into a name, image, and likeness
8 agreement with a student athlete or prospective stu-
9 dent athlete;

10 (4) regulate the representation of a student
11 athlete or a group of student athletes or a prospec-
12 tive student athlete or group of prospective student
13 athletes with respect to a name, image, and likeness
14 agreement; or

15 (5) engage in the certification or promotion of
16 individuals for such representation.

17 (e) CERTIFIED AGENT RESTRICTION.—

18 (1) IN GENERAL.—A certified agent may not
19 represent a prospective student athlete in a name,
20 image, and likeness agreement if the prospective stu-
21 dent athlete plans to enroll in an institution and
22 participate in a varsity intercollegiate sports com-
23 petition for such institution.

24 (2) EXCLUSION.—For purposes of this sub-
25 section, a family member of a prospective student

1 athlete shall not be considered to be a certified agent
 2 with respect to representation of the prospective stu-
 3 dent athlete.

4 (f) CONFLICTS WITH CONTRACTS OR RULES OF IN-
 5 STITUTION.—

6 (1) IN GENERAL.—Except as provided in para-
 7 graph (2), a third party may not enter into, or offer
 8 to enter into, a name, image, and likeness agreement
 9 with a student athlete that provides covered com-
 10 pensation if a provision of the name, image, and
 11 likeness agreement conflicts with a provision of a
 12 contract, rule, regulation, standard, or other require-
 13 ment of the applicable institution.

14 (2) EXCEPTION.—A third party may enter into,
 15 or offer to enter into, a name, image, and likeness
 16 agreement with a student athlete that conflicts with
 17 a provision of a contract, rule, regulation, standard,
 18 or other requirement of the applicable institution
 19 if—

20 (A) the institution consents, in writing, to
 21 the name, image, and likeness agreement; or

22 (B) the contract, rule, regulation, stand-
 23 ard, or other requirement unduly restricts stu-
 24 dent athletes from earning covered compensa-
 25 tion for the use of the name, image, or likeness

1 of the student athlete, as determined by the
2 Commission.

3 (3) DISCLOSURES.—

4 (A) CONFLICTS.—An institution asserting
5 a conflict described in paragraph (1) shall dis-
6 close to the certified agent and the Commission
7 each relevant term of the contract, rule, regula-
8 tion, standard, or other requirement of the var-
9 sity intercollegiate athletic program.

10 (B) RESTRICTIONS.—A certified agent as-
11 serting a restriction described in paragraph
12 (2)(B) shall disclose to the Commission the na-
13 ture of such restriction.

14 (g) AGENT ACTIVITIES.—An individual may not
15 carry out any agent activity or representation of a student
16 athlete with respect to a student athlete name, image, and
17 likeness agreement unless the individual is a certified
18 agent.

19 (h) PROHIBITED AGREEMENTS.—An athletic associa-
20 tion, a conference, or an institution may prohibit a student
21 athlete from entering into a name, image, and likeness
22 agreement with a third party for the promotion of gam-
23 bling, tobacco, or alcohol products, or adult entertainment.

1 **SEC. 5. TRANSPARENCY AND ACCOUNTABILITY RELATING**
2 **TO NAME, IMAGE, AND LIKENESS AGREE-**
3 **MENTS AND STUDENT ATHLETE ENDORSE-**
4 **MENTS.**

5 (a) RECEIPT OF COVERED COMPENSATION.— Not
6 later than 5 days after the date on which a student athlete
7 receives covered compensation under a name, image, and
8 likeness agreement, the certified agent representing the
9 student athlete shall report to the institution—

10 (1) the receipt and amount of such covered
11 compensation; and

12 (2) the terms and conditions of the name,
13 image, and likeness agreement, including the name
14 of each party to the agreement.

15 (b) WRITTEN CONSENT REQUIRED.—An institution
16 may not publicly disclose any information with respect to
17 a name, image, and likeness agreement between a student
18 athlete and a third party without the express written con-
19 sent of the student athlete.

20 **SEC. 6. LIMITATION ON TRANSFER PENALTIES; PROHIBI-**
21 **TION ON INDUCEMENTS.**

22 (a) LIMITATION ON TRANSFER PENALTIES.—An in-
23 stitution, an athletic association, or a conference shall
24 allow a student athlete to transfer from one institution
25 to another not less than once without losing or delaying

1 grant-in-aid opportunities or eligibility to participate in a
 2 varsity intercollegiate sports competition if—

3 (1) not less than 7 days before transferring, the
 4 student athlete provides to his or her institution no-
 5 tice of intent to transfer; and

6 (2) the transfer does not occur during—

7 (A) the season of the varsity intercollegiate
 8 sports competition of the student athlete; or

9 (B) the 60-day period before the com-
 10 mencement of such season.

11 (b) PROHIBITION ON INDUCEMENTS.—

12 (1) IN GENERAL.—An institution, an athletic
 13 association, a conference, a booster, a third party, or
 14 any agent of such an entity, may not offer or pro-
 15 vide—

16 (A) a student athlete with any compensa-
 17 tion or benefit (other than grant-in-aid) that
 18 is—

19 (i) conditioned on the student athlete
 20 enrolling in, maintaining enrollment in, or
 21 transferring to a particular institution; or

22 (ii) intended to induce the student
 23 athlete to enroll in, maintain enrollment in,
 24 or transfer to a particular institution; or

(B) a prospective student athlete with any compensation or benefit (other than grant-in-aid) that is—

(i) conditioned on the prospective student athlete enrolling in a particular institution; or

(ii) intended to induce the prospective student athlete to enroll in a particular institution.

(2) **CAMPUS TOURS.**—Notwithstanding paragraph (1), an institution, an athletic association, or a conference may provide to a student athlete or a prospective student athlete reimbursement for expenses relating to campus tours or visits.

SEC. 7. ENFORCEMENT BY THE COMMISSION.

(a) **OFFICE OF SPORT.**—

(1) **ESTABLISHMENT.**—Not later than 30 days after the date of the enactment of this Act, the Chair shall—

(A) establish within the Commission the “Office of Sport” (in this section referred to as the “Office”); and

(B) appoint a Director of the Office (in this section referred to as the “Director”).

1 (2) PURPOSE.—The purpose of the Office is to
 2 assist the Commission in protecting amateur, colle-
 3 giate, and professional athletes from unfair methods
 4 of competition and unfair or deceptive acts or prac-
 5 tices in or affecting commerce under the Federal
 6 Trade Commission Act (15 U.S.C. 41 et seq.).

7 (b) DUTIES.—

8 (1) IN GENERAL.—The Director shall engage in
 9 activities that include—

10 (A) leading and coordinating the Commis-
 11 sion’s work in furtherance of the purpose de-
 12 scribed in subsection (a)(2);

13 (B) coordinating and consulting with the
 14 Bureau of Consumer Protection of the Commis-
 15 sion and the Bureau of Competition of the
 16 Commission;

17 (C) developing guidance and recommenda-
 18 tions; and

19 (D) organizing public workshops, issuing
 20 reports, and providing educational materials.

21 (2) OVERSIGHT OF NAME, IMAGE, AND LIKE-
 22 NESS RIGHTS AND PROTECTIONS.—With respect to
 23 the implementation of this Act, the duties of the Of-
 24 fice are as follows:

1 (A) To establish a process for hearing, ad-
 2 dressing, and resolving complaints, concerns,
 3 conflicts, and grievances from student athletes,
 4 institutions, conferences, athletic associations,
 5 certified agents, and third parties alleging viola-
 6 tions of this Act or any rule or standard devel-
 7 oped under this Act.

8 (B) To establish a certification process and
 9 set and enforce standards for, and maintain a
 10 registry of, certified agents.

11 (C) To determine the financial limits for
 12 boosters, as described in clauses (i) and (ii) of
 13 section 2(4)(A).

14 (D) On an ongoing basis and as necessary,
 15 to gather and compile information relating to
 16 the development and status of the student ath-
 17 lete name, image, and likeness market.

18 (E) To provide confidential guidance to
 19 student athletes.

20 (F) To develop rules to carry out the ac-
 21 tivities described in this paragraph.

22 (c) ENFORCEMENT AUTHORITY.—

23 (1) IN GENERAL.—A violation of this Act or
 24 any rule or standard developed pursuant to sub-
 25 section (b)(2) shall be treated as a violation of a rule

1 defining an unfair or deceptive act or practice pre-
2 scribed under section 18(a)(1)(B) of the Federal
3 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

4 (2) POWERS OF THE FEDERAL TRADE COMMIS-
5 SION.—The Commission shall enforce this Act and
6 any rule or standard developed pursuant to sub-
7 section (b)(2) in the same manner, by the same
8 means, and with the same jurisdiction, powers, and
9 duties as though all applicable terms and provisions
10 of the Federal Trade Commission Act (15 U.S.C. 41
11 et seq.) were incorporated into and made a part of
12 this Act.

13 (3) NONPROFIT ORGANIZATIONS.—Notwith-
14 standing section 4 of the Federal Trade Commission
15 Act (15 U.S.C. 44) or any jurisdictional limitation
16 of the Commission, the Commission shall also en-
17 force this Act and any rule or standard developed
18 pursuant to subsection (b)(2) in the same manner
19 provided in paragraph (1), with respect to organiza-
20 tions not organized to carry on business for their
21 own profit or that of their members.

22 (4) PENALTIES; PRIVILEGES AND IMMUNI-
23 TIES.—Any person who violates this Act or any rule
24 or standard developed pursuant to subsection (b)(2)
25 shall be subject to the penalties and entitled to the

1 privileges and immunities provided in the Federal
2 Trade Commission Act (15 U.S.C. 41 et seq.).

3 **SEC. 8. ROLE OF ATHLETIC ASSOCIATIONS AND CON-**
4 **FERENCES.**

5 Athletic associations and conferences may—

6 (1) establish rules, consistent with this Act and
7 any rule or standard developed under this Act;

8 (2) establish rules that prohibit payments of
9 compensation to prospective student athletes and
10 student athletes by institutions, conferences, and
11 athletic associations; and

12 (3) enforce the rules established under para-
13 graphs (1) and (2) by declaring ineligible for a var-
14 sity intercollegiate sports competition a student ath-
15 lete or a prospective student athlete who receives
16 payments in violation of this Act or any rule or
17 standard developed under this Act.

18 **SEC. 9. COMPTROLLER GENERAL REPORT ON HEALTH,**
19 **SAFETY, AND EDUCATION NEEDS.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of the enactment of this Act, the Comptroller General
22 of the United States shall submit to the appropriate com-
23 mittees of Congress a report on the health, safety, and
24 education needs of student athletes.

1 (b) CONTENTS OF REPORT.—The report required by
2 subsection (a) shall include the following:

3 (1) An analysis of the current state of student
4 athlete health insurance coverage in the United
5 States, including a comparison of amounts and types
6 of coverage offered by institutions of varying sizes
7 and resources.

8 (2) An analysis of the degree to which student
9 athletes are not covered for injuries or conditions re-
10 lated to their participation in athletics.

11 (3) An analysis of the additional cost to institu-
12 tions of providing health insurance coverage to stu-
13 dent athletes for each year, up to 5 years, after
14 graduation.

15 (4) An analysis of the need for health and safe-
16 ty standards for varsity intercollegiate athletic pro-
17 grams.

18 (5) An analysis of the current authorities and
19 activities of the Department of Health and Human
20 Services to determine whether the Department of
21 Health and Human Services possesses the appro-
22 priate authority or expertise to develop and enforce
23 such health and safety standards.

24 (6) An analysis of the extent to which student
25 athletes are unable to complete their degree due to

1 losing scholarship support before graduation within
2 4 years.

3 (7) An analysis of the additional cost to institu-
4 tions of providing guaranteed scholarships for stu-
5 dent athletes for each additional year, up to 5 years,
6 after a typical 4-year enrollment.

7 **SEC. 10. LIMITATION OF LIABILITY.**

8 (a) IN GENERAL.—An institution, a conference, and
9 an athletic association shall comply with the requirements
10 of this Act and with any rule or standard developed under
11 this Act, but shall not be held liable under any provision
12 of Federal or State law for prohibiting a student athlete
13 or prospective student athlete from being paid by an insti-
14 tution, conference, or athletic association or for prohib-
15 iting a student athlete or prospective student athlete from
16 being paid for the commercial use of the name, image,
17 or likeness of the student athlete or prospective student
18 athlete before the date of the enactment of this Act.

19 (b) RULE OF CONSTRUCTION.—Except as provided
20 in subsection (a), nothing in this Act or the fact or cir-
21 cumstances of the enactment of this Act may be construed
22 to or relied upon by any court—

23 (1) to alter the application of Federal or State
24 antitrust law to intercollegiate athletics;

1 (2) to imply the creation of any cause of action
2 not created expressly by this Act; or

3 (3) to retroactively create liability, or invalidate
4 legal defenses, related to aspects of intercollegiate
5 athletics not directly addressed by this Act.

6 **SEC. 11. RELATIONSHIP TO STATE LAWS.**

7 (a) IN GENERAL.—No State or political subdivision
8 of a State may establish or continue in effect any law,
9 regulation, rule, requirement, or standard that governs or
10 regulates the compensation, publicity rights, employment
11 status, or eligibility for competition of a student athlete
12 or prospective student athlete, including any provision
13 that governs or regulates the commercial use of the name,
14 image, or likeness of a student athlete or prospective stu-
15 dent athlete;

16 (b) UNAUTHORIZED USE BY A THIRD PARTY.—A
17 State or political subdivision of a State may establish and
18 enforce laws that prohibit the unauthorized use of the
19 name, image, and likeness of a student athlete or prospec-
20 tive student athlete by a third party.

21 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to the Com-
23 mission such sums as are necessary to carry out this Act.

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