



## THE DRAKE GROUP CALLS FOR CONGRESS TO ENACT COLLEGE ATHLETE PROTECTIONS: A LEGISLATIVE PROPOSAL

On September 8, 2020, The Drake Group proposed a College Athletes Rights and Protection Act (CARPA) to accomplish all of the promises made in the “College Athletes Bill of Rights” statement issued in August of 2020 by ten U.S. Senators: Cory Booker, Richard Blumenthal, Christopher Murphy, Kirsten Gillibrand, Ron Wyden, Mazie Hirono, Kamala Harris, Bernie Sanders, Chris Van Hollen and Brian Schatz.

Using the carrot of institutions continuing to receive funding under the Higher Education Act of 1965 (\$130 billion annually in federal loans and grants in 2019), the proposed bill includes the following mandates:

- Granting full outside employment and NIL rights for enrolled college athletes overseen by an independent NIL Commission, rather than the NCAA;
- Establishing a private National College Athlete Medical Trust Fund with an independent Board of Directors charged with implementing a long-term athlete disability insurance program that addresses the latent medical cost impact of brain trauma or other athletics injuries that do not manifest before the end of enrolled athlete basic athletic injury insurance policy coverage;
- Allowing athletes and institutions to enter into licensing arrangements with third parties conditioned on proceeds being donated to the National College Athlete Medical Trust Fund and further funding the trust with assessments derived from gross annual media rights fees from national collegiate championships, conference championships, regular season and special events;
- Requiring national athletic governance associations to adopt and enforce consensus statements on standards of health care and coaches’ codes of conduct as membership obligations and to initiate investigations of athlete deaths by independent panels of medical experts;
- Guaranteeing athletic scholarships for five years or until graduation, whichever occurs first;
- Permitting college athletes to transfer to other institutions without athletic participation ineligibility;
- Closing the loopholes in rules that limit the athletics-related time demands of coaches and creating limits on classes missed to ensure college athletes have the time to study and for adequate sleep;
- Requiring tenured faculty oversight and transparent reporting of college athlete educational outcomes;

- Providing a governance association athlete welfare advocate at no cost to the athlete to provide legal advice on the application of association rules and due process rights;
- Requiring that thirty percent of any national association's independent governing board of directors be former athletes appointed by currently enrolled athletes;
- Prohibiting excessive employee compensation and construction of lavish athletes-only facilities; and
- Requiring annual reports to Congress electronically available to the general public.

Further, CARPA proposes that a Congressional Commission be established to complete a comprehensive two-year study of higher education integrity issues not addressed by the proposed bill – supporting H.R. 5528, a bipartisan bill filed in the House by Representatives Donna Shalala and Ross Spano.

The full text of the proposed legislation follows.

**THE DRAKE GROUP CALLS FOR CONGRESS TO TAKE STRONG ACTION TO  
PROTECT COLLEGE ATHLETES – SEPTEMBER 8, 2020**

# **PROPOSED BILL**

## **COLLEGE ATHLETE RIGHTS AND PROTECTION ACT**

3 To amend Sec. 487(a) of the Higher Education Act of 1965 to ensure that higher  
4 education institutions that receive federal funds provide students participating in  
5 intercollegiate athletic programs with sufficient health and medical protection and  
6 prevent their academic and financial exploitation. The unprecedented commercialization  
7 of these intercollegiate athletics programs threatens the academic success of college  
8 athletes and the integrity of higher education institutions, creates excessive institutional  
9 expenditures and burdensome student fees, and has resulted in inappropriate financial  
10 benefits to individuals conducting those programs.

11 The Act permits college athletes the ability immediately to monetize their own names,  
12 image and likeness (NIL) rights and engage in outside employment other than becoming  
13 a professional athlete and creates an independent non-profit NIL Commission to protect  
14 those rights. It also imposes immediately requirements to provide athletes better health,  
15 safety and wellness protections, improved educational benefits that lead to better  
16 graduation rates, greater freedom to attend institutions of their choice and a stronger  
17 position in the governance structure that controls the athletics experience. The Act  
18 further requires greater transparency and annual public reporting of college athlete time  
19 spent on athletics-related activities, compensation of athletics personnel, and detailed  
20 information on sources of revenues and expenditures.

21 The Act also establishes a Congressional Commission to review broader issues in  
22 intercollegiate athletics including (1) policies related to academic success; (2) restrictions  
23 to combat commercial excesses and to maintain a clear line of separation between  
24 collegiate and professional sports, (3) due process for persons and institutions accused of  
25 violating the rules of the NCAA, (4) impact of athletics on the academic mission and  
26 integrity of the higher education institution, and (5) other issues the Commission  
27 considers relevant.

28       *Be it enacted by the Senate and House of Representatives of the United States of*  
29       *America in Congress assembled.*

### 31 Sec.1. Short Title

32 This Act may be cited as the “College Athlete Rights and Protection Act.” or the  
33 “CARPA Act.”

1      **Sec. 2 Findings**

2      FINDINGS – Congress finds as follows:

- 3      (1) Under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) in fiscal year 2019, approximately \$130.1 billion of Federal student support was available for higher education, including over \$29 billion in Federal Pell Grants;
- 4      (2) Over 2,000 institutions of higher education voluntarily participate in athletic governance associations;
- 5      (3) The largest athletic governance association, the National Collegiate Athletic Association, includes over 1,100 institutions of higher education and more than 430,000 college athletes. This association generates over \$1 billion annually and in 2017-18 it provided \$609,000,000 in revenue sharing to its Division I member institutions of higher education;
- 6      (4) In 2018, intercollegiate athletic programs generated approximately \$14 billion in revenue from ticket sales, radio and television receipts, alumni contributions, guarantees, royalties, and athletic governance association distributions;
- 7      (5) Athletic associations, athletic conferences, and their member institutions conduct collegiate athletic events in the 50 states and have a direct and substantial effect on interstate commerce;
- 8      (6) Most intercollegiate athletic programs are heavily subsidized by the institution of higher education that they represent, including support through institutional general funds derived from tuition dollars and mandatory student fees that benefit from Title IV Higher Education Act student loan and Pell Grants and athletics capital projects from tax-exempt bonds;
- 9      (7) Congress has supported numerous tax preferences enjoyed by college athletics and federal funding programs supporting the higher education institutions sponsoring athletic programs. These tax preferences and federal funding are defensible only if athletics programs fulfill their educational functions and do not result in excessive institutional expenditures, burdensome student fees, or inappropriate financial benefits to individuals conducting those programs;
- 10     (8) The highest paid public employee in 40 of 50 states is a head coach of an intercollegiate team. Over 150 college head basketball and football coaches annually make \$1 million or more excluding bonuses. Some claim that the college coaches' compensation is driven by the high salaries earned by NFL and NBA coaches. While compensation for head coaches in the NFL and NBA is very similar to that at the top 32 college programs, the average NFL team generated \$460 million in 2019, while the average revenue generated by the top 32 teams in college football was under \$90 million. Given the

1 greater than five-fold revenue disparity, the head coaches at the two levels,  
2 in a normal marketplace would not receive comparable compensation. The  
3 pro-to-college revenue disparity in basketball is approximately nine-fold;  
4 (9) Congress recognizes that the market for coaches and athletic directors is  
5 sustained by several artificial factors: (a) no compensation is paid to the  
6 athletes, (b) intercollegiate sports benefit from substantial tax privileges,  
7 government subsidies, mandatory student fees, and other university support,  
8 (c) no shareholders demand dividend distributions or higher profits to  
9 bolster stock prices at the end of every quarter, and (d) coaches' salaries are  
10 negotiated by athletic directors whose own worths rises with the salaries of  
11 their employees. Such an economic construct is inappropriate for tax exempt  
12 institutions of higher education;  
13 (10) Many intercollegiate athletic programs have built lavish locker rooms,  
14 practice facilities, competition facilities, and other facilities to entice  
15 talented high school athletes to attend their institutions of higher education,  
16 even though access to such facilities are restricted from use by non-athlete  
17 students;  
18 (11) Serious questions have arisen regarding whether institutions of higher  
19 education with highly commercialized athletic programs follow academic  
20 standards in admitting college athletes and have adequate faculty oversight  
21 to ensure that they are provided with a quality education; and  
22 (12) Athletic associations have been unable to enact the reforms necessary to  
23 control commercial excesses in part because representatives of top revenue  
24 producing athletic programs have threatened departure from such  
25 associations if desired legislative rules, preferential decision-making  
26 structures, or revenue distribution policies are not adopted. The result has  
27 been an increased consolidation of riches among a small number of elite  
28 athletics programs, increased institutional and student fee subsidization for  
29 the vast majority of athletics programs, and a continued decline in academic  
30 values.  
31

### 32 **Sec. 3 Definitions**

33 For purposes of this Act—

34 (1) “**academic progress rate**” has the meaning given to it by the *NCAA*  
35 *Division I Manual*, published annually by the National Collegiate Athletic  
36 Association (“*NCAA37 (2) “**Association**” means a national non-profit collegiate athletics governance  
38 association that has at least 50 member institutions located in at least 25  
39 states that conducts athletic competition among its members, sets playing  
40 rules for that competition, regulates the eligibility of players and institutions  
41 to participate, and annually determines a national champion in one or more*

sports in one or more competitive divisions or subdivisions either by conducting a national championship it wholly owns or recognizing a collegiate national championship conducted by a United States national sport governing body (NGB);

- (3) **“championship season”** means from the beginning of team practice through the end of the national championship in the athlete’s sport;
- (4) **“collegiate athletic events”** means intercollegiate athletic contests during the regular playing season and pre- or post-playing season intercollegiate athletic contests between teams sponsored by Association member institutions and played under rules promulgated by the Association;
- (5) **“antitrust laws”** has the meaning given to it in (a) the Sherman Act (15 U.S.C. 1), (b) the Clayton Act (15 U.S.C. 12), (c) the Federal Trade Commission Act (15 U.S.C. 41) (including unfair methods of competition and unfair and deceptive acts) and (d) all state unfair competition acts;
- (6) **“CARA” or “Countable Athletics-Related Activity”** means all commitments arranged, directed or supervised by the institution’s coaches or administrative staff members, including fundraising, promotional or community service activities, with the exception of treatment of athletic injuries, medical testing, academic study halls or tutoring sessions under the supervision of the provost or any academic units [not the athletic department], community service activities required of all undergraduate students and not arranged by the athletic department, game-day meals, which, if provided for home events, shall use on-campus facilities, athlete rules compliance and life skills education meetings, and travel to and from competitive events.
- (7) **“championship season”** means from the first day of team practice through the last day of the national championship in the college sport in which the college athlete participates;
- (8) **“coaches”** means individuals who:
  - (A) are employed, full time or part time, by Association member institutions to instruct, manage, and prepare for competition institutionally sponsored athletic teams; or
  - (B) are graduate students who receive educational financial assistance from the institutions they attend in return for assisting in coaching athletic teams sponsored by those institutions; or
  - (C) are volunteers who assist in coaching institutionally sponsored athletic teams for the purpose of acquiring experience in coaching;
- (9) **“college athlete”** means any college student who participates in an intercollegiate athletic program of an institution of higher education, and includes athletes in any intercollegiate sport regardless of scholarship status;

1 (10) **“consensus medical statement”** means a public statement on a particular  
2 aspect of medical knowledge at the time the statement is made that a  
3 representative group of experts agree to be evidence-based and state-of-the-  
4 art (state-of-the-science) knowledge;

5 (11) **“discovery mechanisms”** means interrogatories, depositions, production of  
6 documents and other physical evidence, requests for admission and any  
7 other discovery method as defined by the Federal Rules of Civil Procedure  
8 or the Rules of the Federal Trade Commission;

9 (12) **“direct governmental support”** means funds received from state and local  
10 governmental agencies that are designated for athletics;

11 (13) **“direct institutional support”** means financial transfers directly from the  
12 institutional general fund to athletics;

13 (14) **“Federal Graduation Rate”** means the percentage of first-time full-time  
14 freshmen students who enter an institution in the fall of a given year and  
15 leave with a degree within six years as required to be reported by the  
16 "Student Right-to-Know and Campus Security Act" (P.L. 101-542) adopted  
17 by Congress in 1990. The rate includes comparisons between college  
18 athletes and the undergraduate student body;

19 (15) **“fair market value” or “FMV”** means the price at which a transaction  
20 would occur between a willing buyer and a willing seller, with no undue  
21 influence from outside forces and with neither party being under any  
22 compulsion to buy or to sell and both having reasonable knowledge of  
23 relevant facts;

24 (16) **“generated revenues”** means only those gross revenues earned by activities  
25 of the athletics programs including ticket sales, radio and television receipts,  
26 alumni contributions, guarantees, royalties, national or conference  
27 governance organization distributions, and other revenue sources that are  
28 not dependent upon institutional entities outside the athletics department;

29 (17) **“graduation success rate”** has the meaning given to it by the *NCAA*  
30 *Division I Manual*, published annually by the NCAA, plus two factors not  
31 considered in the Federal Graduation Rate: (a) college athletes' transfers  
32 from an institution before graduating and are in good academic standing and  
33 (b) when college athletes' transfers to an institution and earn a degree;

34 (18) **“independent director”** means (a) an individual who has not held a  
35 position as a president, member of a governing board, faculty member,  
36 athletic director, and/or other paid employee of a higher education  
37 institution or non-profit athletic association or conference or been an  
38 enrolled college athlete during the two years preceding commencement of or  
39 at any time during his or her term or position as a director and (b) is charged  
40 with the exercise of governance responsibilities in the educational interest of

1 all college athletes rather than the interest of any member institution,  
2 conference, or competitive division or subdivision;

3 (19) “**indirect institutional support**” means payment of utilities, maintenance,  
4 support staff salaries, etc. by the institution on behalf of athletics;

5 (20) “**member institutions**” means postsecondary educational institutions  
6 belonging to the Association;

7 (21) “**Named Entities**” means Associations, member institutions, conferences,  
8 and approved third-party-owned preseason and postseason collegiate athletic  
9 events;

10 (22) “**net generated revenue**” means total generated revenues less athletics  
11 operating expenses;

12 (23) “**NIL**” means name, image and likeness. These rights may be used in  
13 connection with, but not limited to, athlete’s signatures/autographs, social  
14 media accounts, advertising, marketing, promotion or sale of products and  
15 services, appearances, employment, etc.;

16 (24) “**professional athlete**” means one who (a) receives compensation to play a  
17 sport that exceeds actual and necessary expenses to participate in practice or  
18 competition, (b) receives, directly or indirectly, a salary, reimbursement of  
19 expenses, or any other form of financial assistance from a professional  
20 sports organization as payment for sport participation, (c) competes on any  
21 professional athletics team; competes in an athletic competition or  
22 exhibition for pay or receives remuneration in excess of actual and  
23 necessary expenses to participate in such activity – excluding compensation  
24 received as a member of a country’s national team participating in Olympic  
25 or International Federation world championships;

26 (25) “**representative of an institution’s athletic interests**” has the meaning  
27 given to it by the *NCAA Division I Manual*, published annually by the  
28 NCAA;

29 (26) “**total compensation**” means salary or bonus payments from all institutional  
30 sources and private or public foundations dedicated to the support of such  
31 institutions plus the benefit payments made on behalf of the employee  
32 (excluding any employee contribution) including (a) retirement contribution,  
33 regardless of the plan’s vesting provision; (b) medical insurance; (c)  
34 disability income protection; (d) tuition for faculty and staff dependents  
35 (both waivers and remissions are included); (e) dental insurance; (f) social  
36 security contribution (FICA); (g) unemployment insurance; (h) life  
37 insurance; (i) workers’ compensation premiums; and (j) other benefits with  
38 cash alternatives (typically including moving expenses, housing, use of  
39 automobiles, cafeteria plans, or cash options); and

(27) “**whistle-blower protection**” means the prohibition of any Association member institution, conference, or the Association retaliating or threatening to retaliate against any student, employee, or employee applicant because of disclosure of information by that student, employee, or employee applicant.

## **Sec. 4. Higher Education Act of 1965 Program Participation Agreement Amendment**

Sec. 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), which establishes conditions that higher education institutions must meet to be eligible for federal financial aid, is amended by adding at the end the following new section 30:

(30) In the case of a two-year or four-year institutions of higher education that operates an intercollegiate athletic program, the institution and the Association or conference of which it is a member must comply with all of the following minimum athlete rights and protection standards which shall be applicable to all Association member institutions unless otherwise specified.

## A. College Athlete Freedom to Obtain Outside Employment

**Unrelated to Athletic Ability or Reputation.** Individual college athletes shall have the same rights as non-athlete students independently to engage in non-school employment unrelated to athletic ability or reputation and not involving the use of the athlete's NIL except that Associations and conferences may adopt any of the following requirements and impose athletics eligibility penalties for violation of such requirements:

1. college athletes' compensation received shall be for work actually performed and at fair market value;
2. college athletes attest that neither the institution nor an institutional representative was involved in obtaining such employment with the exception of institutionally conducted off-season sports camps; and/or
3. college athletes not miss classes or examinations due to such outside employment.

**B. College Athlete Rights to Earn Outside Compensation Related to Athletic Ability, Reputation or Use of NIL.** Individual college athletes shall be permitted to obtain employment and accept

1 remuneration for work actually performed and at fair market value for  
2 employment related to athletic ability, reputation or the commercial  
3 use of their own names, likenesses or images in advertisements,  
4 appearances, speaking engagements, on social media accounts, for  
5 endorsement of commercial products or for other commercial purposes  
6 at any time during the year subject to compliance with NIL  
7 Commission standards and the following conditions:  
8

9 1. **Independent NIL Commission and Eligibility Center.** An  
10 independent 501 (c) (3) non-profit organization shall be established  
11 for the purpose of setting standards, reviewing agreements for  
12 compliance with such standards, and resolving disputes related to  
13 the application of such standards.  
14

15 a. **Composition.** The NIL Commission shall consist of nine  
16 members, each of whom shall serve a five-year term. Three  
17 members shall be economists with experience and expertise in  
18 identifying fair market value and shall be appointed by the  
19 North American Association for Sports Economics. Initially,  
20 one shall be appointed for a term of five years, one for a term  
21 of four years and one for a term of three years. Three members  
22 shall have experience and expertise in employment and sports  
23 law and shall be appointed by the Sports Lawyers Association.  
24 Initially, one shall be appointed for a term of five years, one for  
25 a term of four years and one for a term of three years. Three  
26 other members shall have experience and expertise in  
27 intercollegiate athletics management or higher education  
28 administration and shall be appointed by the American Council  
29 on Education. Initially, one shall be appointed for a term of  
30 five years, one for a term of four years and one for a term of  
31 three years. The term “independent” shall mean at least two  
32 years removed from employment by any Named Entity, or the  
33 appointing organization, and a promise not to be employed by  
34 such entities for five years following service on the  
35 Commission.  
36

37 b. **Functions.** The NIL Commission shall perform the following  
38 functions:

- 1       1. Timely review college athlete NIL agreements to  
2       determine if they meet the requirements of this Act and  
3       standards established by the NIL Commission;
- 4
- 5       2. Resolve challenges of the FMV standard;  
6
- 7       i. Athletic directors of member institutions have the  
8       exclusive right to submit challenges to any NIL  
9       agreement's FMV.
- 10
- 11      ii. The Commission may independently decide to  
12       examine any NIL agreement for compliance with its  
13       FMV standard.
- 14
- 15      iii. Generally, the Commission will question any income  
16       arrangement that exceeds, by over ten percent,  
17       previously approved NIL agreements for similar work  
18       or, in those cases in which there is insufficient  
19       comparable market data, the Commission may assess  
20       the value of the contract to the third-party licensor.
- 21
- 22      iv. In all cases, the burden of proof for justification of  
23       FMV rests with the third-party licensor.
- 24
- 25      3. Set standards related to athlete engagement in  
26       inappropriate activity or contracts with third parties that  
27       do not meet certain character and integrity standards;
- 28
- 29      4. Resolve disagreements between the athlete and the  
30       athlete's member institution with regard to their  
31       respective rights and resolve compliance challenges.
- 32
- 33      5. Determine on the basis of two years of data initially and  
34       as needed following that period, whether any additional  
35       marketplace compensation standards or time restrictions  
36       are advisable;
- 37
- 38      6. Set standards for the registration and certification of  
39       agents and resolve complaints related to the conduct of  
40       agents, attorneys or third-party employers, and, if

1 necessary, to withhold approval of an agent, attorney or  
2 third-party employers for future college athlete NIL  
3 agreements;

4

5 7. Set standards for agent and attorney compensation with  
6 regard to hourly rates or percentage commissions;

7

8 8. Resolve athletes' or Named Entities' disagreements with  
9 NIL Commission decisions not to approve athletes' NIL  
10 agreements based on failure to meet NIL Commission  
11 standards;

12

13 9. Set standards prohibiting institutions from assisting,  
14 directly or indirectly, athletes in their efforts to monetize  
15 their individual NILs (e.g., production of videos,  
16 creative development of brands, etc.) other than  
17 educating college athletes about NIL Commission  
18 standards and, generally, brand promotion;

19

20 10. Only the NIL Commission or the Federal Trade  
21 Commission has the right to void or require a revision to  
22 an athlete NIL contract;

23

24 11. Develop educational and instructional materials, forms  
25 and applications for processing of NIL agreements;

26

27 12. Refer complaints about inappropriate involvement by  
28 representatives of the institution per Sec. 4. (30). A. 2. of  
29 this Act to the Federal Trade Commission which has  
30 subpoena power and other discovery mechanisms to  
31 further investigate the scope of the complaint;

32

33 13. Maintain a publicly accessible and searchable database  
34 of all athletes' NIL agreements;

35

36 14. Establish a de minimis amount or other standards for  
37 athletes' NIL agreements that do not have to be  
38 submitted to the NIL Commission or formalized in a  
39 contract;

40

15. Approve any Association eligibility rules related to college athlete outside employment and NIL monetization prior to their consideration for adoption;
16. Develop policies and procedures for all NIL agreements, including an Association, conference, institution, and college athlete agreement fee system that will permit the Commission to be self-supporting; and
17. Require any disputes concerning the NIL Commission's decisions be resolved by the Federal Trade Commission.

**2. Limited Antitrust Exemption and State Law Preemption.** Associations may adopt athletics eligibility rules consistent with NIL Commission standards and enforce penalties for violation of such rules including rules which require that college athletes attest that neither the institution nor an institutional representative was involved in obtaining the athlete's employment or the opportunity for the monetization of the athlete's NIL and/or the college athlete does not miss classes or examinations due to such outside employment. The NIL Commission with respect to its functions listed above in Sec. 4. (30) B.1.b. and the Association to the extent its eligibility requirements and enforcement penalties conform to the requirements herein and enforces any of the NIL Commission's decisions shall be exempt from the antitrust laws. Further, any state laws that conflict with the requirements herein with respect to NIL agreements of college athletes shall be explicitly preempted by this law.

**3. Additional Requirements.** Named Entities are not permitted to restrict college athlete NIL compensation or otherwise control athlete outside compensation other than the collegiate athletics ineligibility of professional athletes consistent with the Sec. 3. (23) definition and the Sec. 4. (30) A and B provisions of this Act.

**4. Prohibited Use of Entity Intellectual Property.** The college athlete may not use or identify the marks, logos and other intellectual property of Named Entities in connection with the monetization of the athlete's NIL, other than in connection with

1 fair use of materials that contain such marks, logos and intellectual  
2 property that cannot be monetized.  
3

4 **a. Third Party Licensing Grouping Named Entities with their**  
5 **Currently Enrolled College Athletes.** A third-party licensor  
6 may enter into an agreement with a currently enrolled  
7 individual athlete or group of enrolled athletes and a separate  
8 agreement or joint agreement with a Named Entity for the use  
9 of their respective NILs without violating this prohibition or  
10 the provisions of Sec. 4. (30) B. 5 of this Act that limit the  
11 rights of Named Entities to use athlete NILs, conditioned on  
12 the Named Entities and college athletes contributing their  
13 respective licensing proceeds into the National College Athlete  
14 Medical Trust Fund (see Sec. 4. (30) C. 2. of this Act). Such  
15 agreements may be subject to additional standards established  
16 by the NIL Commission.

17  
18 **5. Limitation of Institution, Conference and Association Rights to**  
19 **Use Athlete NILs.**

20  
21 **a. Limited Rights to Use Athlete NILs.** Named Entities may  
22 use the rights to the names, images and likenesses of any  
23 current college athlete participating in collegiate athletic events  
24 and retain revenues derived from such use to benefit the  
25 collegiate athletic program, institutional academic programs or  
26 for other purposes as specified in this Act. With such uses  
27 limited as follows:

28  
29 **i. Permitted Uses.** Named Entities may use athlete NILs for  
30 (a) audio or videocast or otherwise recorded for live or  
31 delayed electronic distribution or photographed for print or  
32 digital publication during the championship season to  
33 promote the respective team's athletic events of that  
34 season, (b) advertising or promoting championship season  
35 athletic events in which the athlete participates, (c)  
36 publication and sale of event programs sold in conjunction  
37 with or during the course of championship season athletic  
38 events in which the athlete participates, and (d) perpetual  
39 print and electronic publication rights for the athlete's  
40 historical performance and participation statistics and

1 photographs of prior champions or championship teams in  
2 athletic-event programs or on its public internet site. The  
3 institution may also engage in commercial exploitation of  
4 the exclusive right to provide official team athletics apparel  
5 or equipment to its athletics' teams and to put the name of  
6 the athlete on official team uniforms. However, if the  
7 institution or any Named Entity licenses its own NIL to a  
8 third party to sell its branded products, it cannot grant the  
9 use the athlete's NIL to such third parties except under the  
10 provisions of Sec. 4. B. 4. a. of this Act. The athlete may  
11 be required to wear official institution team apparel  
12 throughout the academic year for official team practices,  
13 exhibitions, non-championship season contests, and  
14 appearances at official university events in which all  
15 attending players must wear such apparel.

16

17 **(1) Revenues to Institution.** The Named Entities may  
18 retain the revenues from such sales for uses that benefit  
19 college athletes, collegiate athletic programs,  
20 institutional academic programs, or other purposes as  
21 specified in this Act.

22

23 **(2) No Revenues to Athletes.** Named Entities shall not  
24 pay athletes for such permitted uses.

25

26 ii. **No Conflict Between Named Entity and Athlete NIL**  
27 **Use.** During the period of permissible Named Entities' free  
28 use of an individual athlete's NIL, the athlete shall not  
29 enter into a third-party NIL agreement that conflicts with  
30 the institution's third-party sponsorship of its allowable  
31 activities. However, if a Named Entity agreement grants  
32 sponsor exclusive rights to provide team practice and  
33 competition shoes and apparel in that athlete's sport, the  
34 athlete shall not be precluded from entering into an  
35 agreement with that same or any competing sponsor for  
36 wearing apparel or shoes in non-school activities unrelated  
37 to the athlete's sport during the championship season and is  
38 under no restrictions outside the championship season other  
39 than as specified Sec. 4. B. 5. a. i. above. The NIL

Commission shall develop specific guidelines regarding such separation of rights.

- iii. **Prohibited Use of Enrolled Athlete NILs.** Named Entities may not sell the rights to use the NIL of any enrolled college athlete for any other commercial purpose related to athletic participation during the athlete's collegiate eligibility (e.g., video games, names on apparel, or use on other merchandise or commercial products) except to benefit the National College Athlete Medical Trust Fund as provided in Sec. 4. B. 4. a. of this Act.
- b. **Submission Requirements.** All NIL agreements above a de minimis amount (to be established by the Commission) must be formalized in a written contract, be submitted to the athletes' institution and be responded to within five business days, and be submitted to the NIL Commission for review within five business days, and be promptly posted by the NIL Commission in a publicly available and searchable data base.
  - i. Any disagreement between the athlete and the athlete's member institution with regard to their respective rights should be immediately submitted to the NIL Commission for resolution.
  - ii. The NIL Commission will not review any agreement submitted by a college athlete who is academically ineligible for intercollegiate athletics participation.
- c. **Athlete Group Licensing.** College athletes can join with each other to negotiate and enter into group licensing contracts with each other or with outside third parties (but not Named Entities and not as prohibited in this section and subject to the provisions hereto). These NIL contracts must be submitted to the NIL Commission and will be held to the same standards as individual athletes' contracts.

**C. Health, Safety and Wellness Standards and Comprehensive Coverage of Health Care Costs Related to Athletic Injuries.** It is the responsibility of Associations to use their rule-making and enforcement powers and institutions to use their oversight over program delivery to

1 protect the health and well-being of participating athletes. College  
2 athletes shall receive and their respective Associations institutions shall  
3 enforce health, safety and wellness protections specified as follows:  
4

5 **1. Coverage of Athletic Injury Costs.** For any injury directly resulting  
6 from participation in the institution's athletic program and at no cost to  
7 college athletes or their parents and at the expense of their institutions  
8 and the Association, including the cost of insurance deductibles and  
9 co-pays, except that this requirement is not applicable to any  
10 preexisting medical condition that predates the college athlete's  
11 participation in the institution's athletic program:  
12

- 13 a. full medical care extending at least two years following either  
14 graduation or separation from the institution or until the athlete  
15 qualifies for catastrophic injury program coverage;
- 16 b. benefits of a catastrophic insurance program, including the use of a  
17 gap claims fund, that shall be annually reviewed by an independent  
18 committee and adjusted based on the needs of athletes then  
19 covered by such program; and
- 20 c. benefits of a long-term disability insurance program and/or trust  
21 fund to provide medical care required beyond the period specified  
22 in Sec. C.1.i above  
23

24  
25 **2. National College Athlete Medical Trust Fund (Trust).** A National  
26 Athlete Medical Trust Fund shall be established for the purpose of  
27 assisting former college athletes with medical expenses related to long  
28 term disability or coverage of medical expenses related to college  
29 athletic injuries that exceed the scope of coverage specified in Sec. 4.  
30 (30). C. 1. of this Act, such grants to be determined by the policies  
31 established by the Trust Board of Directors.  
32

- 33 a. **Purpose of the Trust.** Within two years following the adoption of  
34 this Act, the Trust shall investigate the cost and benefits associated  
35 with and implement a long-term athlete disability insurance  
36 program that addresses the latent medical cost impact of brain  
37 trauma or other athletics injuries that do not manifest before the  
38 end of basic athletic injury insurance policy coverage.  
39

- b. **Private Trust.** Such private trust shall be formed by and administered by an independent Board of Directors that shall initially be formed as follows:
  - i. The Board shall consist of nine members, each of whom shall serve a five-year term. Five members shall be medical experts appointed by the American Medical Association (AMA). Initially, one shall be appointed for a term of five years, one for a term of four years and one for a term of three years.
  - ii. Four members shall have expertise in financial affairs and investments and shall be appointed by the National Association of College and University Business Officers (NACUBO). Initially, one shall be appointed for a term of five years, one for a term of four years and one for a term of three years.
  - iii. The term “independent” shall mean at least two years removed from employment by any Named Entity, or the appointing organization, and a promise not to be employed by such entities for five years following service on the Board.
- c. **Funding of the Trust.** The Board of Directors shall set an annual budget based on estimated need that shall not exceed revenues collected from the following sources:
  - i. **Third Party Licensing Grouping Named Entities with their Currently Enrolled College Athletes.** Any Named Entity and currently enrolled college athlete entering into a group licensing agreement jointly or separately under the conditions specified in Sec. 4. (30). B. 4. a. shall each contribute one hundred percent of their respective licensing revenues into the Trust.
  - ii. **National Championship Media Rights Fees.** The Association and any of its conferences that conduct a national championship for a competitive division or subdivision for which a national championship is not offered by the Association shall contribute up to twenty-five percent of all gross annual media rights fees derived from such national

1 championships into the Trust as determined by the Board of  
2 Directors after funding from “i” above is taken into account.  
3

4

5     iii. **Conference Championship Media Rights Fees.** Any  
6         Association member conference that conducts conference  
7         championship for its member institutions shall contribute up to  
8         twenty-five percent of all gross annual media rights fees  
9         derived from such conference championships into the Trust as  
10        determined by the Board of Directors after funding from “i”  
11        above is taken into account.

12

13     iv. **Regular Season Contest Media Rights Fees.** Each  
14         conference that enters into a media rights agreement for its  
15         member institutions for regular season contests or events other  
16         than the conference championship shall contribute up to fifteen  
17         percent of all gross annual media rights fees derived from such  
18         events into the Trust as determined by the Board of Directors  
19         after funding from “i” above is taken into account. Each  
20         member institution that enters into a media rights agreement  
21         for one or more of its regular season contests that are not  
22         included in a conference regular season media rights agreement  
23         shall each contribute up to fifteen percent of their respective  
24         gross annual media rights fees into the Trust as determined by  
25         the Board of Directors after funding from “i” above is taken  
26         into account.

27

28     v. **Approved Third-Party-Owned Preseason and Postseason  
29            Collegiate Athletic Events.** Each third-party-owned  
30         preseason and postseason collegiate athletic event approved by  
31         the Association shall contribute up to fifteen percent of gross  
32         annual media rights fees derived from that event into the Trust  
33         as determined by the Board of Directors after funding from “i”  
34         above is taken into account.

35

36     vi. **Notice to Named Entities of Contribution Increase.** If the  
37         Board of Directors determines it is necessary to increase  
38         contributions to provide athletes with the benefits of such a  
39         program, Named Entities shall be given at least two years  
40         notice of such increase.

- 3. Prevention Education and Baseline Assessments.** College athletes predisposed to injury risk due to the nature of their sports participation, must receive institutionally financed prevention education and baseline and/or monitoring assessments (e.g., Covid-19 assessments, neurological baseline assessments related to concussion, presence of sickle cell trait, review of susceptibility to dehydration, etc.) as recommended by the American College of Sports Medicine, the U.S. Centers for Disease Control and Prevention, or other national Associations of specialist physicians.
- 4. Exercise and Supervision Guidelines for At-Risk Athletes.** College athletes identified as having potentially life-threatening health conditions, must receive institutionally provided exercise and supervision guidelines.
- 5. Licensed Physician Determination of Return to Play.** College athletes must receive scientifically based return-to-play decisions following injury and other medical decisions affecting the college athlete's safe participation must rest with a licensed physician designated by the institution.
- 6. Compliance with Consensus Statements on Standards of Care.** Operation of institution athletic programs must be consistent with sports medicine "consensus statements on standards of care" as recommended by the College Athletic Trainers Society, the American College of Sports Medicine and other recognized medical societies. Such consensus statements must be regularly reviewed, adopted and enforced by Associations as conditions of membership.
- 7. Independent Investigation of Athlete Deaths.** In the case of catastrophic injury or death to any athlete at any member institution, the Association shall conduct an independent investigation by a three-person panel of experts not affiliated with the involved institution appointed by the College Athletic Trainers Society and the American College of Sports Medicine. At least two members of the panel shall be medical doctors. The panel shall produce a public expert report and recommendations that the institution must implement.
- 8. Code of Conduct Requirement.** The Association shall adopt and enforce a Code of Conduct applicable to all coaches, staff and college

1 athletes which shall be as stringent as the SafeSport Code promulgated  
2 by the U.S. Center for Safe Sport which protects Olympic and non-  
3 school athletes from sexual, physical, emotional, verbal and other  
4 forms of abuse. Such Code shall provide for submission of complaints  
5 directly to the Association, include all athletic department coaches,  
6 staff members and adult volunteers as mandatory reporters, prohibit  
7 retaliation against athlete victims and whistleblowers and shall include  
8 penalties up to and including the ineligibility of athletes or banning the  
9 employment of athletic department staff members found in violation of  
10 the Code.

11

12 **9. Participation in National Athletic Injury Surveillance Program.**

13 The Association shall require all member institutions to participate in a  
14 national athletic injury surveillance program.

15

16 **10. Periodic Review of Member Institution Athlete Protection**

17 **Program.** The Association shall require a periodic external peer  
18 review of member institutions' athlete-protection policies and  
19 procedures, Injury Surveillance Program records, Code of Conduct  
20 violations, athlete physical and mental-health-education programs.

21

22 **D. Improved Educational Outcomes.** Association and institutional rules  
23 and Association enforcement shall require member institutions to provide  
24 college athletes with the following educational protections:

25

26 1. **Athletics Grant-in-Aid Terms.** Athletics grants-in-aid to first year  
27 students shall be awarded by four-year institutions of higher education  
28 for a period of no less than five years or until graduation, whichever  
29 occurs first, and by two-year institutions of higher education for a  
30 period of no less than three years or until graduation, whichever occurs  
31 first. Transfer and non-first year awards shall be similarly pegged to  
32 the graduation standard.

33

34 2. **Athletics Grant-in-Aid Conditions.** Athletics grants-in-aid may be  
35 conditioned on the athlete's continued voluntary participation in  
36 athletics and meeting academic eligibility standards required for  
37 athletics eligibility but cannot be withdrawn for reasons of physical  
38 injury, physical condition, unsatisfactory athletic performance, or  
39 improper pressure to withdraw from the team. The dollar amount or  
40 term for such aid may be reduced in the case of serious athlete  
41 misconduct as determined by the processes used by member

1 institution's regular student disciplinary authority that has jurisdiction  
2 over all students.

3  
4 **3. Limiting Athletics Time Demands.** Association and institutions shall  
5 require that countable athletically related activity (CARA) be limited  
6 to 20 hours per week with no more than four hours per day during any  
7 week in which classes are in session and include at least one day off  
8 which shall not include travel to and from athletic events. The  
9 following additional restrictions shall apply:

10  
11 a. Recognizing the varying length of athletic competitions, an athletic  
12 competition shall count as three hours against the 20-hours-per-  
13 week limit, regardless of the actual length of the contest. One day  
14 shall count as one competition during participation in tournaments  
15 which may not be conducted on Monday through Thursday while  
16 classes are in session.

17  
18 b. Athletes shall not be required to report for a competition any  
19 earlier than two hours before the scheduled starting time for the  
20 event and media and other traditional activities occurring at the  
21 conclusion of the event shall not exceed one hour following the  
22 end of the event.

23  
24 c. The practice of requiring players to stay in hotels prior to home  
25 games shall be prohibited.

26  
27 d. CARA, other than for the conclusion of competitions shall be  
28 prohibited during an eight-hour period between 9 p.m. and 6 a.m.

29  
30 e. Competition shall not be permitted during final examinations.

31  
32 f. No more than one competition per week shall be scheduled on  
33 Mondays through Thursdays.

34  
35 g. A 10-hour per week CARA limit and a prohibition against  
36 participation in competition travel shall apply to any athlete who is  
37 academically ineligible to compete.

38  
39 h. A committee of tenured faculty appointed by the faculty senate (or  
40 highest faculty governance body) of the institution shall be  
41 responsible for approving the competition schedules for athletic

1 teams. No team schedule shall be approved if it results in a team  
2 or individual athlete missing more than the equivalent of ten full  
3 class days, excluding dates reserved for the possibility of post-  
4 season competition.

5

6 i. On the first day of classes, athletes should be required to present  
7 their travel schedules to the faculty member teaching each course  
8 in which they are enrolled. If the faculty member believes that  
9 classes missed are too excessive for the athlete to succeed in the  
10 course, the faculty member should recommend that the student  
11 drop the class and reschedule it to a non-competition semester.  
12 Alternatively, the faculty member and student can agree to a lower  
13 acceptable number of classes to be missed or make other mutually  
14 satisfactory adjustments.

15

16 4. **Athlete Right to Transfer.** Athletes may transfer to another  
17 institution without athletic participation ineligibility or other penalty at  
18 least once during that college athlete's undergraduate enrollment and  
19 conditioned on that college athlete meeting all academic and athletic  
20 participation eligibility requirements at the current member institution  
21 at the time of transfer. Any additional transfers without loss of  
22 eligibility must be approved by the Association;

23

24 5. **Jurisdiction Over Academic Counseling and Support Programs.**  
25 Academic counseling and academic support services for college  
26 athletes shall be under the direct supervision and budgetary control of  
27 the member institution's academic authority, administered externally  
28 to the athletics department and shall be consistent with counseling and  
29 support services available to all students.

30

31 6. **Tenured Faculty Committee on Academic Oversight.** Each  
32 Association member institution must have a tenured-faculty-only  
33 Committee on Academic Oversight.

34

35 a. The Committee shall review the academic progress and  
36 qualifications of athletes and, when possible, compare such data to  
37 non-athletes, including average SAT and ACT scores by sport,  
38 Federal Graduation Rates by sport, graduation success rates by  
39 sport, independent studies taken by sport, a list of professors  
40 offering the independent studies and their average grade assigned,  
41 admissions profiles, athletes' progress toward a degree, trends in

1 selected majors by sport, average grade distributions of faculty by  
2 major, incomplete grades by sport, grade changes by professors,  
3 and the name of each athlete's faculty advisor.

4

5 b. The Committee shall report to the faculty Senate annually to make  
6 recommendations for improvements in educational outcomes with  
7 the goals that athletes (i) enroll in majors and classes of their  
8 choosing, (ii) graduate at the same rate as non-athletes and (iii) not  
9 be steered to particular classes or majors in order to remain eligible  
10 for athletic participation or to artificially increase their graduation  
11 rates.

12

13 7. **Athlete Welfare Advocate.** The Association shall hire and provide  
14 salary, benefits and administrative expenses for and member  
15 institutions shall provide all athletes with contact information for, an  
16 Athlete Welfare Advocate(s) who shall provide independent legal  
17 advice to college athletes at no cost regarding the application of  
18 Association rules and due process rights.

19

20 **E. Independent Board of Directors and College Athlete Voice in**  
21 **Governance**

22

23 1. **Composition of Independent Board of Directors.** The Association  
24 shall be governed by a board of "independent directors" that conforms  
25 to the definition in this Act ("Board"). Directors shall reflect all  
26 athletics program stakeholders (presidents, trustees, athletic directors,  
27 tenured faculty, and college athletes). Individuals appointed under this  
28 paragraph shall be coordinated to ensure diversity.

29

30 a. Thirty percent of the Board shall be former college presidents  
31 appointed by the American Council on Education having served at  
32 member institutions representing all membership divisions and  
33 subdivisions within each division.

34

35 b. Ten percent of the Board shall be former athletic directors or  
36 conference commissioners equally representing all competitive  
37 divisions appointed by the National Association of Collegiate  
38 Directors of Athletics.

39

40 c. Thirty percent of the Board shall be former tenured faculty  
41 appointed by the American Association of University Professors,

1 having been employed at member institutions representing all  
2 membership divisions (and subdivisions within each division).  
3

4

5 d. Thirty percent of the Board shall be former college athletes  
6 appointed by a nominating committee consisting of the former  
7 chairs of the student athlete advisory or similar committees equally  
8 representing membership divisions if such membership  
9 substructures exist.

10

11 **2. Terms and Qualifications.** Each director shall serve a four-year term  
12 and be eligible for appointment to no more than one additional term.  
13 Staggered terms shall ensure that no more than 25% of the Board turns  
14 over in any one year. Except for college athlete and tenured faculty  
15 appointments, each Director shall have previously served for no less  
16 than two years in a leadership position directly related to the oversight  
17 of intercollegiate athletics or, in lieu of such leadership experience,  
18 have demonstrated expert knowledge of intercollegiate athletics. Each  
19 college athlete appointed Director shall have completed four years of  
20 eligibility, earned a baccalaureate degree, and completed his or her  
21 eligibility within no less than 10 years at the time of appointment.

22

23 **3. Duties of the Board.** The Board members shall exercise a fiduciary  
24 duty to act in good faith and in the interests of the Association to  
25 enhance the educational opportunities for and protect the health and  
26 well-being of college athletes and to make intercollegiate athletic  
27 programs compatible with the educational missions of higher  
28 education. Specifically, the Board shall:

29

30 a. **Internal Operations.** Control the internal operation of the  
31 Association including the hiring, firing, evaluation, and  
32 compensation of the chief executive officer, approval and  
33 oversight of the Association's budget, and shall take other actions  
34 customary for a board of directors of a non-profit organization;

35

36 b. **Contracts.** Exercise the authority to review proposed contracts  
37 and require modifications to existing contracts to ensure  
38 compliance with this Act;

39

40 c. **Use of Revenues.** Determine the use of Association income from  
41 its championships or other commercial activities consistent with

1 the athlete health and educational protections mandated by this Act  
2 conditioned on the requirement that the distribution of revenues  
3 shall not be conditioned on the competitive success of member  
4 institutions participating in its championships;

5

6 d. **Certification Program.** Ensure that each member institution's  
7 athletics program shall undergo an Association certification at least  
8 once every ten years, which certification process shall consist of  
9 peer review, external to the member institution as administered and  
10 funded by the Association, of a campus-wide self-evaluation  
11 conducted by various campus committees assembled for that  
12 purpose. The assessment shall include governance and  
13 commitment to Association rules compliance, academic integrity,  
14 gender/ diversity issues and college athlete health and well-being.  
15 A majority of the members of these committees shall be faculty  
16 members, and the evaluation process shall be based on standards  
17 established by the Association's Board of Directors consistent with  
18 the purposes of the Association, its stated principles, and the  
19 requirements of this Act.

20

21 e. **Control of Excessive Employee Compensation.** To better  
22 balance the extent to which athletics earned revenues are used to  
23 support education and health benefits provided to college athletes  
24 and control excessive salaries and benefits to coaches and other  
25 athletics staff inappropriate for tax-exempt educational institutions,  
26 the Association and its member institutions shall receive a limited  
27 antitrust exemption that permits the following.

28

29 i. Head coach and athletic director annual compensation from all  
30 institutional sources, including foundations or other legal  
31 entities established to support the institution or companies  
32 engaged in commercial relations with the institution, may not  
33 exceed three times the compensation of full professors at  
34 doctoral institutions being paid at the 95<sup>th</sup> percentile based on  
35 the annual American Association of University Professors  
36 Report on the Economic Status of the Profession adjusted to 12  
37 months.

38 ii. The Association's Board of Directors shall establish similar  
39 lower limits for full-time and part-time assistant coaches, and  
40 for associate and assistant athletic directors that shall be

1 correlated with lower academic ranks (associate professor,  
2 assistant professor, and instructor).

3     iii. Full-time athletics personnel may not annually earn outside  
4         income derived from their athletics positions (e.g., motivational  
5         speaking, writing books, summer camps, endorsements, or  
6         consulting) in excess of 20% of their annual compensation  
7         from all institutional sources or \$100,000 whichever is greater.

8     iv. Employment agreements executed prior to September 1, 2020  
9         shall be exempt from this provision.

10

11     f. **Gender Equity.** Compliance with the athletics regulations of Title  
12         IX of the Education Amendments of 1972 shall be a condition of  
13         membership. Any member institution found by the Association  
14         certification process, the Office for Civil Rights of the Department  
15         of Education, or a court of law not to be in compliance shall have  
16         one year to remedy inequities during which time the athletic  
17         program shall not be eligible for Association post-season  
18         championships. If the member institution is not in compliance after  
19         two years, its Association membership shall be revoked.

20

21     g. **Sole Decision-Making Authority** - Act as the sole decision-  
22         making authority, with the advice of its own expert committees or  
23         the Association's membership divisions, to set the following  
24         standards:

25         i. athlete health and educational protections consistent with the  
26         requirements of this Act;

27         ii. prohibitions on the construction and exclusive use of "athletics  
28         only" practice, competition, conditioning, academic support,  
29         housing, dining and other facilities which controls shall be  
30         required by this Act;

31         iii. membership requirements consistent with the requirements of  
32         this Act;

33         iv. establish sport expenditure caps, limits on number of coaches  
34         and other personnel, limits on numbers of athletic scholarships  
35         by sport, facility spending, or other rules that limit athletic  
36         program expenditures with such restrictions also exempt from  
37         antitrust laws;

38         v. establish limits on numbers of contests, length of competitive  
39         seasons, hours per week of athletics-related activities and other  
40         scheduling constraints that enable college athletes to devote

1 sufficient time to their academic responsibilities with such  
2 restrictions also exempt from antitrust laws;

3 vi. establish conditions for member institution participation in pre-  
4 or post-season collegiate athletic events conducted by third  
5 parties with such restrictions also exempt from antitrust laws;

6 vii. establish rules of conduct to be included in contractual  
7 agreements or appointments between a coach and a member  
8 institution;

9 viii. determine the criteria for membership in each membership  
10 division;

11 ix. establish a rules enforcement system.

12

13 h. **Veto Power** – The Association may veto the action of any  
14 membership division or subdivision that has undesirable financial,  
15 college athlete health or educational outcome implications. Such  
16 membership divisions or subdivisions shall operate on the basis of  
17 one vote per member institution in deliberative assembly to adopt  
18 legislation governing its programs that is consistent with the  
19 requirements of this Act and restricted to subjects other than those  
20 over which the Board of Directors has sole authority.

21

22 **F. Accountability and Public Reporting**

23

24 1. **Annual Report to Congress** – Not later than two years after the  
25 date of enactment of this Act and annually thereafter, the  
26 Association's member institutions shall provide to the  
27 Association via an Association online reporting system and the  
28 Board of Directors shall report to Congress the following data,  
29 which shall be electronically available to the general public:

30

31 a. certification status of each member institution per Sec. 4  
32 (30). E. 3. d.;

33 b. complete reporting on the number of countable hours of  
34 athletics related activity in each intercollegiate sport to  
35 include:

36     i. mandatory sport practices and conditioning  
37         workouts

38     ii. “voluntary” workouts

39     iii. team meetings

40     iv. film study

- v. game travel
- vi. time at competitions from arrival to departure from the competition site
- vii. public appearances including donor events and campus rallies
- viii. community service;
- c. audited financial data of each member institution's athletic program to include:
  - i. student fee revenues
  - ii. direct institutional support
  - iii. indirect institutional support
  - iv. direct governmental support
  - v. net generated revenues
  - vi. net sport operating expenses
  - vii. total salaries, wages and benefits
  - viii. percentage of operating budget devoted to coaching and administrative salaries
  - ix. salaries and benefits paid to the top five employees
  - x. capital construction and other debt service paid by athletics department, institution and state for all athletically-related facilities and for past operating deficits, the latter including imputed debt service
  - xi. total outstanding athletics-related debt
  - xii. media rights fee revenues
  - xiii. National Athlete Medical Trust Fund transfer and expenditures per Sec. 4. (30). C. 2;
- d. graduation success rate for all athletes overall and disaggregated by sport, race/ethnicity, athletic scholarship/non-scholarship and gender for each member institution including those athletes who left the member institution ineligible;
- e. federal graduation rate for all students overall, all athletes overall and athletes disaggregated by sport, race/ethnicity athletic scholarship/non-scholarship, and gender at each member institution;
- f. number of students overall and athletes overall admitted via a waiver of normal academic admission standards and numbers of athletes disaggregated by sport, race/ethnicity athletic scholarship/non-scholarship, and gender at each member institution'

- g. at member institutions using eligibility rules tracking “non-qualifiers” and “academic redshirts”, the number of recruited “non-qualifiers” and number of “academic redshirts” required to complete one year in residency and numbers of each disaggregated by sport, race/ethnicity, athletic scholarship/non-scholarship, and gender at each member institution for each member institution;
- h. member institutions ineligible for Association championships due to (a) deficiencies in academic performance, (b) non-compliance with Title IX and (c) disciplinary or other reasons;
- i. audited financial data for the Association that shall separately show funds expended for direct support of college athlete benefits (e.g., college athlete assistance programs, athletics injury insurance or medical subsidies, catastrophic insurance, Academic Trust Fund, etc.) and aggregated amount distributed to member institutions by purpose;
- j. amount of direct distribution of Association funds to each member institution; and
- k. Amount of direct distribution of conference funds to each member institution.

2. **Mandatory Student Athletic Fees.** The member institution shall disclose on the fee bills provided to all students, that portion of any mandatory activity fee that is allocated to intercollegiate athletics and shall not use revenues derived from such fees to support the athletics program without the vote and consent of the student government at least once every four years.

**G. Implementation of Act.** The requirements of this Act shall be met within 30 days after the date of its enactment unless otherwise indicated. Any Association that conforms with Sec. 4. (30). of this Act shall, not later than 180 days after the date of the enactment of this Act, submit a report to the Congress that identifies the actions the Association has taken to date to implement the procedures required by the Act.

1      **Sec. 5. Intercollegiate Athletics Commission to be Established for Further Review**  
2      **of Issues**

3      **A. Issues to be Examined.** Recognizing that the College Athlete Rights and  
4      Protection Act does not address all of the concerns regarding the conduct and  
5      integrity of college athletic programs, Congress shall establish an independent  
6      commission to study additional issues of concern related to intercollegiate sports.  
7      These issues shall include, among others as determined by the Commission, the  
8      following:

9

10     1. Whether gender neutral methods are used to determine the award, renewal and  
11     withdrawal of summer school financial assistance for college athletes and  
12     whether the outcomes of those methods favor male or female athletes;

13

14     2. The extent to which institutional academic admissions requirements are  
15     waived to admit students recruited to participate in athletics and the academic  
16     success of such students;

17

18     3. The extent to which initial and continuing academic standards contribute to  
19     positive educational outcomes of college athletes;

20

21     4. The extent to which non-athlete student tuition and required fees are used to  
22     support intercollegiate athletics programs and the proportion of such revenues  
23     derived from federally supported student loan or Pell Grant programs;

24

25     5. The percent of athletic participation opportunities for students with disabilities  
26     compared to enrollment of non-student athletes with disabilities at institutions  
27     of higher education and the percent of total athletic scholarship funds  
28     provided to student-athletes with disabilities;

29

30     6. Policies held by intercollegiate athletic programs that encourage diverse  
31     leadership of such programs;

32

33     7. Policies of member institutions related to disbursement of education-based  
34     grants (not considered athletics-related financial aid) to their former college  
35     athletes who are no longer eligible to participate, have not graduated and are  
36     seeking to return to complete their undergraduate degrees or pursue other  
37     training at an accredited educational institution.

38

39     8. The extent to which Associations are engaged in promulgating rules of sport  
40     which reduce contact, brain trauma and other athletics injuries;

1  
2       9. The impact of the Internal Revenue Code of 1986 and other tax policies on the  
3       budgets of intercollegiate athletic programs;

4  
5       10. Whether Association rules, investigation, and adjudication policies provide  
6       sufficient due process to college athletes, employees and institutions and are  
7       adjudicated by unbiased parties;

8  
9       11. Whether Association rules, investigation, and adjudication policies related to  
10       academic fraud are sufficient to deter violations related to athletics eligibility;

11  
12       **B. Membership.** The Commission shall be composed of 17 members appointed as  
13       follows:

14  
15       1. Four members appointed by the Speaker of the House of Representatives,  
16       including—

17           a. one Member of the House of Representatives; and  
18           b. three individuals who are not Members of Congress.

19  
20       2. Four members appointed by the Minority Leader of the House of  
21       Representatives, including—

22           a. one Member of the House of Representatives; and  
23           b. three individuals who are not Members of Congress.

24  
25       3. Four members appointed by the Majority Leader of the Senate,  
26       including—

27           a. one Member of the Senate; and  
28           b. three individuals who are not Members of Congress.

29  
30       4. Four members appointed by the Minority Leader of the Senate,  
31       including—

32           a. one Member of the Senate; and  
33           b. three individuals who are not Members of Congress.

34  
35       5. One member appointed by the Secretary of Education.

36  
37       **C. Qualifications**

38  
39       1. In General. Individuals appointed under paragraph 1 shall be specially  
40       qualified to serve on the Commission by virtue of their education or

experience on issues related to intercollegiate athletic programs, higher education, and civil rights.

3

4        2. Coordination to Ensure Diversity. Individuals appointed under paragraph 1  
5            shall be coordinated to ensure diversity.

6

7       **D. Chair of the Commission.** —The Chair of the Commission shall be elected by a  
8        majority of the members of the Commission.

9

10       **E. Authorization of Appropriations.** There is authorized to be appropriated for  
11           each of fiscal years 2021-22 \$2,000,000 to fund the work of the Commission.