

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. ____

To protect the rights of student athletes to covered compensation, to prohibit inducements and provide for transparency with respect to name, image, and likeness agreements, and to establish a committee for intercollegiate athletics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MR. BILIRAKIS introduced the following bill; which was referred to the Committee on _____

A BILL

To protect the rights of student athletes to covered compensation, to prohibit inducements and provide for transparency with respect to name, image, and likeness agreements, and to establish a committee for intercollegiate athletics, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fairness, Accountability, and Integrity in Representation of College Sports Act” or the “FAIR College Sports Act”.

SEC. 2. DEFINITIONS.

In the Act:

(1) ASSOCIATION.—The term “association” means any organization with multiple conferences or institutions as members that arranges championships and sets rules for varsity intercollegiate sports competition.

(2) BOOSTER.—The term “booster” means an individual or entity that, during the previous 5 years, directly or indirectly, through an institution or any other individual or entity or in any other manner that does any of the following:

(A) Provided a donation to obtain tickets for any sport at an institution that exceeds the annual amount determined by the USIAC.

(B) Made a financial contribution directly or indirectly to the athletics department or other athletics management organization of an institution in an amount that exceeds the annual amount determined by the USIAC.

(C) Entered into a license agreement for use of the trademarks of an institution in connection with athletics under which the total payments exceed the annual amount determined by the USIAC.

(D) Made any combination of such donation, contribution, or license payment described in subparagraphs (A) through (C), respectively, or has provided any other form of consideration in connection with an activity described in any of subparagraphs (A) through (C), that, in the aggregate, exceed the annual amount determined by the USIAC.

(E) Arranged or provided employment for 1 or more student athletes as a result of the status of the student as a student athlete.

(F) Assisted, or has been requested by an employee of an institution to assist, in the recruitment of a prospective student athlete.

(3) COLLECTIVE.—The term “collective” means a group or organization of two or more boosters.

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

(5) CONFERENCE.—The term “conference” means any organization or association that has institutions as members and sets rules for sports competition between varsity intercollegiate teams.

(6) CONTRACT.—The term “contract” has the meaning given the term “agency contract” in section 2 of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7801).

(7) COVERED AGENT.—The term “covered agent” has the meaning given the term “athlete agent” in section 2 of the Sports Agent Responsibility and Trust Act—

(A) who has registered with the USIAC; and

(B) whose registration has not lapsed, expired, or been revoked.

(8) COVERED COMPENSATION.—

(A) IN GENERAL.—The term “covered compensation” includes any form of payment or remuneration, including cash, benefits, awards, gifts, in-kind contributions, and any other form of payment or remuneration.

(B) INCLUSIONS.—The term “covered compensation” includes all forms of payment or provisions of the following:

(i) Promotion by a student athlete through the use of the NIL of the student athlete.

(ii) Payments for licensing or use of publicity rights.

(C) EXCLUSIONS.—The term “covered compensation” does not include the payment or provision of the following:

(i) Tuition, room, board, books, fees, meals, and personal expenses paid or provided by an institution up to the full cost

of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711))" of a student to attend an institution.

(ii) Federal Pell Grants, under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), and other State and Federal grants unrelated to, and not awarded with respect to, participation in varsity intercollegiate sports competition.

(iii) Health insurance and the costs of health care wholly or partly self-funded by an association, a conference, or an institution.

(iv) Career counseling, job placement services, or any other benefits available to all students at an institution.

(v) Payment of hourly wages and benefits for work actually performed (and not for participation in intercollegiate athletics) at a rate commensurate with the prevailing rate in the locality of an institution for similar work.

(9) ENROLL.—With respect to a student athlete, the term “enroll” means to attend courses of instruction required for graduation from the institution.

(10) IMAGE.—The term “image”, with respect to a student athlete, means a picture of the student athlete.

(11) INSTITUTION.—The term “institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that sponsors varsity intercollegiate sports competition in the United States.

(12) INTERCOLLEGIATE ATHLETICS.—The term “intercollegiate athletics” means sports played at the collegiate level for which eligibility requirements for participation by student athletes are established by an association for the promotion or regulation of collegiate athletics.

(13) LIKENESS.—The term “likeness”, with respect to a student athlete, means a physical or digital depiction or representation of the student athlete.

(14) NAME.—The term “name”, with respect to a student athlete, means the first or last name, or the nickname, of the student athlete when used in a context that reasonably identifies the student athlete with particularity.

(15) NAME, IMAGE, AND LIKENESS AGREEMENT.—The term “name, image, and likeness agreement” means a contract or similar arrangement between a student athlete and a third-party licensee regarding the commercial use of the name, image, or likeness of the student athlete.

(16) NIL.—The term “NIL” means name, image, and likeness.

(17) NIL AGREEMENT. — the term “NIL Agreement” means a name, image, and likeness agreement.

(18) PUBLICITY RIGHT.—The term “publicity right”—

(A) means a right that is recognized under a Federal or State law that permits an individual to control and profit from the commercial use of the name, image, or likeness of the individual; and

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

(19) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(20) STUDENT ATHLETE.—The term “student athlete” has the meaning given that term in section 2 of the Sports Agent Responsibility and Trust Act (15 U.S.C. 7801).

(21) THIRD PARTY.—The term “third party” means a booster, collective, and third-party licensee.

(22) THIRD-PARTY LICENSEE.—The term “third-party licensee”—

(A) means any individual or entity that licenses publicity rights from any current or prospective student athlete or groups of student athletes; and

(B) does not include any association, conference, or institution.

(23) USIAC.—The term “USIAC” means the United States Intercollegiate Athletic Committee established under section 102.

(24) VARSITY INTERCOLLEGIATE SPORTS COMPETITION.—The term “varsity intercollegiate sports competition” means competition between and among collegiate sports teams that principally represent an institution at the highest level of competition.

TITLE I—COLLEGIATE ATHLETES RIGHTS FOR NAME, IMAGE, AND LIKENESS

SEC. 101. PROTECTION OF STUDENT ATHLETE RIGHTS.

(a) IN GENERAL.—Except as provided in this Act, an association, conference, or institution may not prohibit a student athlete from—

(1) earning covered compensation, commensurate with market value, for the use of the NIL of the student athlete while enrolled at an institution; and

(2) obtaining and retaining a covered agent for any matter or activity related to such covered compensation.

(b) RESCISSION OF AGREEMENTS.—

(1) IN GENERAL.—In the case of a student athlete who no longer participates in varsity intercollegiate sports competition, the student

athlete may rescind a NIL agreement with a remaining term of more than 1 year—

(A) without being held liable for breach;

(B) with no obligation to return payments received before giving notice of the rescission; and

(2) APPLICABILITY.—This subsection shall apply to any NIL contract entered into on and after the date of the enactment of this Act.

(c) CONFLICTS WITH CONTRACTS OR RULES OF INSTITUTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a third-party licensee may not enter into, or offer to enter into, a NIL agreement with a student athlete that provides covered compensation if a provision of the NIL agreement conflicts with a provision of a contract, rule, regulation, standard, or other requirement of the applicable institution.

(2) EXCEPTION.—A third-party licensee may enter into, or offer to enter into, a NIL agreement with a student athlete that conflicts with a provision of a contract, rule, regulation, standard, or other requirement of the applicable institution if—

(A) the institution consents, in writing, to the NIL agreement;
or

(B) the contract, rule, regulation, standard, or other requirement unduly restricts student athletes from earning covered compensation for the use of the NIL of the student athlete.

(3) DISCLOSURES.—

(A) CONFLICTS.—An institution asserting a conflict described in paragraph (1) shall disclose to the covered agent and the USIAC each relevant term of the contract, rule, regulation, standard, or other requirement of the athletic team.

(B) RESTRICTIONS.—A covered agent or student athlete asserting a restriction described in paragraph (2)(B) shall disclose to the USIAC the nature of such restriction.

(d) RESTRICTED AGENT ACTIVITY.—

(1) AGENT ACTIVITIES.—An individual may not carry out any agent activity or representation of a student athlete with respect to a student athlete NIL agreement unless the individual is a covered agent.

(2) CONTRACT WITH COVERED AGENT.—A covered agent may not enter into a representation agreement with a student athlete until 90 days after the date on which the student athlete is first enrolled at the institution.

(e) RESTRICTED NIL AGREEMENTS.—

(1) NIL AGREEMENTS.—A registered third party may not enter into a NIL agreement with a student athlete or covered agent until 90 days after the date on which the student athlete is first enrolled at the institution.

(2) CERTAIN PROHIBITED AGREEMENTS.—An association, a conference, or an institution may prohibit a student athlete from entering into a NIL agreement related to the promotion of gambling, tobacco products, vaping or e-cigarette products, alcohol products, controlled substances, lewd and lascivious behavior or material, or any other product or service that is reasonably considered to be inconsistent with the religious values of an institution, if applicable.

(3) LIMITATION ON DURATION OF ENDORSEMENT ACTIVITIES.—To preserve the integrity of the educational programs of institutions, an association, conference, or institution may impose reasonable limits on the amount of time a student athlete may spend to carry out endorsement activities relating to a NIL agreement.

(4) PROHIBITION ON INDUCEMENTS. — No agent or third party shall directly or indirectly provide covered compensation as an inducement for a student athlete or prospective student athlete to enroll in, maintaining enrollment in, or transferring to a specific institution.

(5) PROHIBITION ON PERFORMANCE INDUCEMENTS. —
No covered agent, student athlete, or third party shall enter into a name, image, and likeness agreement which requires or incentivizes on-field or in-competition actions, promotions, or performance.

SEC. 102. UNITED STATES INTERCOLLEGIATE ATHLETICS COMMITTEE.

(a) ESTABLISHMENT.—The United States Intercollegiate Athletics Committee is established as an independent, nonprofit corporation. The corporation is not an agency or establishment of the United States Government.

(b) ORGANIZATION.—

(1) BOARD OF DIRECTORS.—

(A) MEMBERSHIP.—The USIAC shall be governed by a board of directors (in this section referred to as the “Board”).

[(B) TERM.—Each members of the Board shall serve a term of [5 years].]

(C) APPOINTMENT.—Members of the Board shall be appointed as follows:

(i) One member by the Speaker of the House of Representatives.

(ii) One member by the Majority Leader of the House of Representatives.

(iii) One member by the Minority Leader of the House of Representatives.

(iv) One member by the Majority Leader of the Senate.

(v) One member by the Minority Leader of the Senate.

(vi) Four members by the Chair of the Committee on Commerce, Science, and Transportation of the Senate.

(vii) Four members by the Ranking Member of the Committee on Commerce, Science, and Transportation Ranking Member of the Senate.

(viii) Four members by the Chair of the Committee on Energy and Commerce Chair of the House of Representatives.

(ix) Four members by the Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

[(D) REMOVAL.—A Member of the Board shall be removed by a majority vote of the individuals listed in Section 102 (b) (C).]

[(E) REPRESENTATION.—The Board shall be comprised of [21] voting members who shall include the following categories:]

[(i) __ representatives of student athletes attending an institution[s of different sizes and geographical locations].]

[(ii) __ representatives of athletics directors at institutions.]

[(iii) __ representatives of conferences [of different sizes and geographical locations].]

[(iv) __ representatives of institutions of different sizes and geographical locations.]

[(v) __ representatives of a variety of intercollegiate athletics teams.]

[(vi) __ Professionals with expertise in sports marketing, contracting, and public relations.]

[(vii) __ representatives of Historically Black Colleges and Universities.]

[(viii) __ representatives of all Divisions.]

[(ix) __ individuals—]

[(I) with expertise in corporate governance; and]

[(II) who are not associated with any association, conference, or institution.]

(2) STAFFING.—The USIAC shall hire and provide salary, benefits, and administrative expenses for an Executive Director and other appropriate staff to support the work of the Board and administer the requirements of this Act.

(3) CHAIR.—The Chair of the Board shall be elected by a majority of the Board. The Chair may designate another member of the Board as the Secretary of the Board, though such member must be from a different category described in paragraph (1)(E) than the Chair.

(4) BY LAWS.—The Board shall be governed by bylaws for the operation of the USIAC with respect to—

(A) the administrative structure and employees of the USIAC;

(B) the establishment of advisory councils;

(C) the procedures for filling vacancies on the Board and advisory councils;

(D) termination of membership; and

(E) any other matter the Board considers necessary.

(5) QUORUM.—For all items for which Board approval is required, the Board shall have present two thirds of all members.

(6) APPEALS STANDING COMMITTEE.—

(A) IN GENERAL.—The USIAC shall establish an appeals standing committee, to which any individual affected by an enforcement decision of the USIAC may appeal such decision.

(B) MEMBERSHIP.—The appeals standing committee shall be comprised of 7 individuals, none of which may be members of the Board, selected by the Board.

(C) CHAIR.—The Chair of the appeals standing committee shall be elected by a majority of the appeals standing committee.

(D) ADVICE TO THE BOARD.—After hearing an appeal on a decision of the USIAC, the appeals standing committee shall issue a recommendation to the Board on whether to sustain or overrule the decision.

(7) CONFLICTS OF INTEREST.—To avoid conflicts of interest, the following individuals may not be selected as a member of the Board or as a member of a standing committee or the nominating committee established under this section:

(A) A booster.

(B) A covered agent.

(C) A third-party licensee.

(D) A collective.

(c) USIAC REGISTRATION.—

(1) IN GENERAL.— Each applicant or student athlete described in this subsection shall submit the relevant information described in this subsection to the portal established under subsection (e)(4).

(2) AGENTS APPLICATION.—

(A) AFFIDAVIT OF COMPLIANCE.— A person applying for registration as an agent shall certify, under penalty of perjury, that the applicant is in compliance with relevant state authorities regarding NIL agreements in the States where the student athlete they are operating on behalf of are based. If the State in which the student athlete is based does not have an agent certification process, registration with the USIAC shall be considered sufficient.

(B) AGENT INFORMATION.—A person applying for registration to the USIAC as an agent for a student athlete shall submit an application for registration to the USIAC in a form prescribed by the USIAC. The application must be signed under penalty of perjury by the applicant or an authorized representative of the applicant and include the following:

(i) The name and contact information of the applicant, including a telephone number, email address, and, if available, a website address.

(ii) The address of the principle place of business of the applicant.

(iii) The name and educational institution of the student athlete on behalf of which the agent is operating.

(iv) Whether conduct of the applicant has caused—

(I) a student athlete to be sanctioned, suspended, or declared ineligible to participate in intercollegiate sport;

(II) an institution to be sanctioned; or

(III) the applicant to be convicted of fraud.

(C) AGREEMENT.—A copy of the agreement between the applicant and the student athlete establishing representation.

(3) THIRD PARTIES.—

(A) APPLICATION.—A person applying for registration as a third party shall submit an application for registration to the USIAC in a form prescribed by USIAC. The application must be signed under penalty of perjury by an authorized representative of the applicant and include the following:

(i) The name and contact information of the applicant, including a telephone number, email address, and, if available, a website address.

(ii) The address of the principle place of business of the applicant.

(iii) Identification of each social-media account associated with a NIL agreement with which the applicant is affiliated.

(iv) A brief description of the type of business and business activity of the applicant.

(v) The category of third party under which the applicant is operating.

(B) FOR BOOSTERS AND THIRD-PARTY LICENSEES.—
As a part of the application described in (3)(A), a person applying for registration as a booster or third-party licensee shall submit under penalty of perjury the following:

(i) The name and address of each individual that is a partner, member, officer, or director of the applicant.

(ii) The name of each individual entitled to a share of profits, income, receipts, or other funds of the applicant person.

(iii) The name of any individual who directly or indirectly holds an equity interest of at least **[5]** percent in the applicant.

(iv) Whether the applicant or person named under paragraph (B) has been adjudicated as bankrupt or has filed for bankruptcy.

(v) Whether conduct of the applicant or a person named under paragraph (B) has caused—

(I) a student athlete to be sanctioned, suspended, or declared ineligible to participate in intercollegiate sport;

(II) an institution to be sanctioned; or

(III) the applicant to be convicted of fraud.

(vi) Whether a registration as a third party by the applicant or a named person under paragraph (B) has been denied, suspended, abandoned, or not renewed.

(C) FOR COLLECTIVES.—As a part of the application described in subparagraph (A), a person applying for registration as a collective shall submit, under penalty of perjury, the following:

(i) The name and contact information of any donor who contributed to the fund.

(ii) Whether the applicant or person named under paragraph (C) has been adjudicated as bankrupt or has filed bankruptcy.

(iii) Whether conduct of the applicant or a person named under paragraph (C) has caused—

(I) a student athlete to be sanctioned, suspended, or declared ineligible to participate in intercollegiate sport;

(II) an institution to be sanctioned; or

(III) the applicant to be convicted of fraud.

(iv) Whether a registration as a third party by the applicant or a named person under paragraph (c) has been denied, suspended, abandoned, or not renewed.

(4) STUDENT ATHLETES APPLICATION.—

(A) DISCLOSURE REQUIRED FOR REPRESENTATION AGREEMENT.—A student athlete that signs a representation agreement with a covered agent shall within **[30]** days after the date on which the agreement is signed, disclose to the USIAC the following:

(i) The name and contact information of the applicant, including a telephone number, email address, and institution where the student athlete is enrolled.

(ii) The name and contact information of the covered agent or if the student athlete is representing themselves.

(iii) If applicable, a copy of the agreement the student athlete signed with the covered agent.

(B) DISCLOSURE REQUIRED FOR NAME, IMAGE, AND LIKENESS AGREEMENT.—A student athlete or their authorized representative that signs a NIL agreement with a third party shall, within [30] days after the date on which the agreement is signed, disclose to the USIAC the following:

(i) The name and contact information of the applicant, including a telephone number, email address, and institution of association.

(ii) The name and contact information of the persons party to a NIL agreement.

(iii) A copy of the NIL agreement signed by the student athlete or their authorized representative.

(iv) The demographic information of the student athlete.

(d) DISCLOSURES RELATING TO RECEIPT OF COVERED COMPENSATION.—

(1) STUDENT ATHLETES.—Not later than 30 days after the date on which a student athlete receives covered compensation relating to a NIL agreement, the student athlete or their authorized covered agent representing the student athlete shall report to the USIAC the following:

(A) The receipt and amount of such covered compensation.

(B) The terms and conditions of the agreement.

(C) The name of each party to the agreement.

(2) THIRD PARTIES.—Not later than 30 days after a third party pays covered compensation relating to a name, image, and likeness agreement, the third party shall report to the USIAC the following:

(A) The amount of such covered compensation.

(B) A copy of the signed agreement.

(C) The name of each person party to the agreement.

(D) A description of the work performed as required by the agreement.

(e) DUTIES.—

(1) IN GENERAL.—The USIAC shall adopt rules and regulations, and amend rules and regulations of the USIAC, consistent with this Act.

(2) RULES.—The rules of the USIAC—

(A) shall—

(i) prevent unfair or deceptive acts or practices to promote the use of student athletes name, image, or likeness;

(ii) foster cooperation and coordination with persons engaged in name, image, or likeness agreements;

(iii) remove impediments to a free and open market; and

(iv) prevent inducements or other compensation related to transfers, school selection, or athletic performance; and

(B) may not—

(i) permit unfair or deceptive acts or practices;

(ii) fix student athlete compensation; and

(iii) regulate by virtue of any authority conferred by law matters not related to the purposes of this section or the USIAC.

(3) NOTICE.—

(A) CHANGES TO RULES AND REGULATIONS.—The USIAC shall publicly notice and receive comments for proposed changes to the rules and regulations of the USIAC not less than 60 days before the adoption of such changes by the Board.

(B) COMMENT PERIOD.—Not less than 60 days before the adoption of proposed changes to the rules and regulation of the USIAC, the Board shall open a venue to receive comments from the public on the proposed changes.

(4) SYSTEM TO RESPOND TO REGISTRATION, INQUIRIES.—

(A) ESTABLISHMENT AND MAINTENANCE OF A SYSTEM TO RESPOND TO REGISTRATION, INQUIRIES.—The USIAC shall establish and maintain the following:

(i) A system for collecting and retaining registration information.

(ii) A system for collecting and retaining any disciplinary action and appeal status.

(iii) A website to receive and promptly respond to any inquiry regarding registration, disciplinary action, and appeal status information for a registrant, applicant, or person authorized to act on their behalf.

(B) ACCESS.—Access to the system shall be limited to staff of the USIAC, applicants, covered agents, third parties, student athletes, and other persons as the USIAC determines to be necessary.

(C) RECOVERY OF COSTS.—The USIAC may charge a person that submits an inquiry under subparagraph (A)(iii) a reasonable fee for the response.

(D) PROCESS FOR DISPUTED INFORMATION.—The USIAC shall adopt rules establishing a process for disputing the

accuracy of information provided in response to an inquiry under this paragraph.

(E) LIMITATION ON LIABILITY.—In reporting information, the USIAC shall not be liable for any action taken or omitted in good faith under this paragraph.

(f) PUBLIC DATABASE.—Not less than quarterly, the USIAC shall make available to the public on the internet a website, including an application programming interface, of the USIAC for the preceding period, that includes the following:

(1) The total number of student athletes who have entered into NIL agreements.

(2) The total number of student athletes eligible to earn covered compensation from third-party licensees as a result of NIL agreements.

(3) The total amount of covered compensation earned by student athletes, disaggregated by division and by conference.

(4) The average amount of covered compensation earned by student athletes.

(5) The average amount of covered compensation earned by student athletes, disaggregated by sports program.

(6) A disaggregated description of each NIL agreement entered into, including—

(A) the terms and conditions of the NIL agreement;

(B) the amount of covered compensation;

(C) the requirements of the student athlete for receiving such covered compensation;

(D) the dates for which the NIL agreement is in effect; and

(E) the sports program or programs in which the student athlete participates.

(7) Any other extract of data or information the USIAC considers to be helpful to student athletes in evaluating covered agents and NIL agreements.

(g) FUNDING.—The rules of the USIAC shall provide for the equitable allocation of reasonable dues, fees, and other charges among registrants and other persons using any facility or system that the USIAC operates or controls.

(h) ENFORCEMENT.—

(1) IN GENERAL.—Subject to any rules or order of the USIAC, a person registered with the USIAC shall be appropriately disciplined for a violation of any provision of applicable law, the rules under such provisions, or the rules of the association by expulsion, suspension, limitation of activity, function, and operation, fine, censure, a suspension or bar from being associated with a member, or any other fitting sanction.

(2) DISCIPLINE OF REGISTRANTS.—

(A) DISCIPLINE.—

(i) NOTIFICATION.—In any proceeding by the USIAC to determine whether a member, or a person associated with a member, should be disciplined, the USIAC shall bring specific charges, notify registrants of those charges, and keep a record.

(ii) STATEMENT.—A determination by the USIAC to impose discipline in a proceeding under subparagraph (A) shall be supported by a statement setting forth—

(I) any act or practice in which the registrants, or a person associated with the registrants, has been found to have engaged, or that such registrant or person has been found to have omitted;

(II) the specific provision of law, the rules under such a provision, or the rules of the association that an act or practice described in clause (i), or an omission to act, is charged with violating; and

(III) the sanction imposed and a justification for the sanction.

(B) DENIAL OR REVOCATION OF REGISTRATION.—

(i) NOTIFICATION.—In any proceeding by the USIAC to determine whether a person shall be denied registration or have their registration revoked, the USIAC shall—

(I) notify that registrant or person and give the person an opportunity to be heard;

(II) provide the registrant or person the specific grounds for denial, bar, prohibition, or limitation under considerations; and

(III) maintain a record.

(ii) STATEMENT.—A determination by the USIAC to deny or revoke registration shall be supported by a statement setting further the specific grounds on which the denial, bar, or prohibition or limitation is based.

(3) DENIAL OR REVOCATION OF REGISTRATION.—The USIAC, in compliance with the rules and regulation promulgated as a result of this Act, shall have the authority to deny or revoke the registration of persons the USIAC determines to be in violation of the rules and regulations of the Committee.

(4) SIGNING OF UNREGISTERED NAME, IMAGE, AND LIKENESS AGREEMENTS BY STUDENT ATHLETES.—The failure of a student athlete, or their authorized representative, to report the signing of a NIL agreement within 30 days after the date on which the agreement is signed shall be considered a violation of the rules and regulations of the USIAC and referred to the National Collegiate Athletics Association for eligibility restrictions.

(5) LIST OF INDIVIDUALS NOT REGISTERED.—The USIAC shall publish on a publicly available internet website a list of individuals—

(A) who have attempted to register as a covered agent or third party but were denied due to previous misconduct; and

(B) who have previously registered as a covered agent or third party but have had their registration revoked by the USIAC.

(i) GUIDANCE FOR STUDENT ATHLETES.—Not later than 60 days after the date of the enactment of this Act, the USIAC shall develop and publish on a publicly available internet website of the USIAC guidance for student athletes that—

(1) explains the legal and business concepts to be considered in licensing publicity rights; and

(2) specifically includes information concerning the implications of provisions that restrict the choice of a student athlete or bind the student athlete to long-term arrangements.

(j) GRIEVANCE PROCEDURES.—For instances in which there is no State licensing body, the USIAC shall establish procedures for—

(1) addressing complaints and concerns from student athletes and institutions with respect to covered agents; and

(2) upon a showing that a covered agent has not competently represented the interests of 1 or more student athletes or has failed to comply with applicable standards of conduct and ethics, the revocation of registration of a covered agent.

(k) SUNSET.—The USIAC shall sunset [5 years] after the date of the enactment of this Act.

(l) OVERSIGHT.—The Office of the Inspector General of the Department of Commerce shall conduct oversight authority of the USIAC.

(m) SAFE HARBOR.—No action shall be taken by the Federal Trade Commission, a State attorney general, or any other state official against a person with the relevant active registrations with the USIAC for a violation of this Act.

SEC. 103. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—The signing of a NIL agreement by a unregistered third party or person operating as an unregistered agent outside the rules and regulations of the USIAC shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE COMMISSION.—The Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title, and any covered company that violates this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(b) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any covered company has violated or is violating this title that affects one of more residents of that State, the attorney general of the State may bring a civil action exclusively in an appropriate district court of the United States to—

- (A) enjoin further such violation by the defendant;
- (B) enforce compliance with this title;
- (C) obtain civil penalties;
- (D) obtain other remedies permitted under State law; or
- (E) obtain damages, restitution, or other compensation on behalf of resident of the State.

(2) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under paragraph (1), nothing in this title shall be construed to prevent the attorney general of a State from exercising the powers conferred on such attorney general by the laws of the State to conduct investigations, administer oaths or affirmations, or compel the

attendance of witnesses or the production of documentary and other evidence.

(c) ACTIONS BY OTHER STATE OFFICIALS.—

(1) **IN GENERAL.**—In addition to civil actions brought by attorneys general under subsection (b), any other officer of a State who is authorized by the State to do so, except for any private person on behalf of the State, may bring a civil action under subsection (b), subject to the same requirements and limitations that apply under subsection (b) to civil actions brought by attorneys general of the State.

(2) **SAVINGS PROVISION.**—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. 104. ROLE OF ASSOCIATIONS AND CONFERENCES.

Associations and conferences shall—

(1) establish rules, consistent with this Act and the rules and standards developed in accordance with section 102(e)(1); and

(2) enforce such rules by—

(A) declaring ineligible for competition a student athlete who receives payments in violation of this Act or any such rule or standard; and

(B) withholding 1 or more revenue distributions from an institution that makes payments in violation of this Act or any such rule or standard.

SEC. 105. RELATIONSHIP TO STATE LAWS.

No State or political subdivision of a State may establish or continue in effect any law, regulation, rule, requirement, or standard that governs or regulates the compensation or publicity rights of student athletes, including any provision that governs or regulates the commercial use of the NIL of a student athlete.