

# **COLLEGE ATHLETE ECONOMIC FREEDOM ACT**

The NCAA and its member colleges for generations illegally restricted all forms of compensation to college athletes, including for the use of their own names, images, and likenesses (NIL) to sign endorsement deals or run camps. In recent years, thanks to state legislatures and federal courts, college athletes finally have the opportunity to earn compensation for their unique identity and talent. These new opportunities have transformed college sports for the good, helping college athletes become more full participants in the multi-billion-dollar industry they support more than anyone else. Athletes are earning life-changing compensation and in turn are growing interest in their sports. After generations of unfair and illegal restrictions, it is time to enshrine athletes' rights to their NIL, while promoting the equitable treatment of athletes in this new and exciting marketplace.

The *College Athlete Economic Freedom Act* would secure college athletes' NIL rights by:

- **Establishing an unrestricted federal right for college athletes to market the use of their NIL.** The bill would prohibit colleges, conferences, and the NCAA from setting or enforcing rules that restrict athletes from earning compensation for their NIL. It would also ensure athletes could choose agents and representation as they see fit, including a collective representative (i.e. players association) to negotiate individual and group licensing deals with third parties as well as colleges and athletic associations. No other group of students or Americans have federal restrictions on their publicity rights – neither should college athletes.
- **Allowing international athletes to market their NIL without losing their visa status.** Current student visa restrictions have kept thousands of international athletes from marketing their NIL, which is unfair and unnecessary. These athletes often have to leave the country to earn NIL compensation or forgo significant endorsement deals entirely. The bill would amend the Immigration and Nationality Act to allow international athletes to engage in the same NIL activities as their peers without losing their F-1 student visa, including in the case that international athletes and their peers become employees of their schools and/or athletic associations.
- **Ensuring colleges and affiliated collectives do not discriminate by gender, race, or sport in the facilitation of NIL deals.** The NIL marketplace has helped athletes across sports but disparities in opportunity have emerged with the involvement of collectives specific to certain sports or colleges going out of their way to help specific programs get more NIL deals. The bill would address this by requiring collectives to register with the Federal Trade Commission (FTC) and report the NIL deals they have facilitated for athletes by gender, race, and sport. The bill also makes clear collectives cannot discriminate in the facilitation of NIL deals and that Title IX applies to colleges in the ways they support athletes' NIL opportunities. Finally, the bill establishes grants that the Department of Education can use to commission analysis of the NIL marketplace and provide recommendations for supporting equitable opportunities for athletes.
- **Encouraging negotiation between athletes and their colleges for the use of athletes' NIL for promotion and media rights deals.** Annually, colleges, conferences, and the NCAA rake in billions in media rights deals and other promotion that requires the use of athletes' NIL; yet, athletes do not receive a fair share of the revenues these deals bring in. To help athletes negotiate their fair share of these revenues, the bill requires colleges and associations to obtain the group license of athletes before using their NIL in media rights deals and promotion, along with notifying athletes how their NIL was used and how much revenue came from these activities.