

119TH CONGRESS
1ST SESSION

H. R. 3847

To protect the name, image, and likeness rights of student athletes, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2025

Mrs. MCCLAIN (for herself and Ms. BYNUM) introduced the following bill;
which was referred to the Committee on Education and Workforce, and
in addition to the Committee on Energy and Commerce, for a period to
be subsequently determined by the Speaker, in each case for consider-
ation of such provisions as fall within the jurisdiction of the committee
concerned

A BILL

To protect the name, image, and likeness rights of student
athletes, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Student-athlete Protections and Opportunities through
6 Rights, Transparency, and Safety Act” or the “SPORTS
7 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Protection of name, image, and likeness rights of student athletes.
- Sec. 4. Modifications to Sports Agent Responsibility and Trust Act.
- Sec. 5. Roles of conferences and interstate intercollegiate athletic associations.
- Sec. 6. Determination of NIL market value.
- Sec. 7. Eligibility for certain Department of Education funding.
- Sec. 8. Limitation on liability.
- Sec. 9. Preemption.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) COMPENSATION.—The term “compensa-
 6 tion”—

7 (A) means any form of payment or remuneration,
 8 whether provided through cash, benefits,
 9 awards, or other means, including payments for—
 10

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

13 (ii) licenses relating to, or the use of,
 14 any other Federal or State intellectual or
 15 intangible property right; and

16 (B) does not include—

17 (i) grants-in-aid;

18 (ii) Federal Pell Grants and other
 19 Federal or State grants unrelated to and
 20 not awarded with regard to participation in
 21 intercollegiate athletic competitions;

1 (iii) health insurance and payments
2 for the costs of health care, including
3 health insurance and payments for the
4 costs of health care wholly or partly self-
5 funded by an institution, conference, or
6 interstate intercollegiate athletic associa-
7 tion;

8 (iv) disability and loss-of-value insur-
9 ance, including disability and loss-of-value
10 insurance that is wholly or partly self-
11 funded by an institution, conference, or
12 interstate intercollegiate athletic associa-
13 tion;

14 (v) career counseling, job placement
15 services, and other guidance available to all
16 students at an institution;

17 (vi) payment of hourly wages and ben-
18 efits for work actually performed (and not
19 for participation in intercollegiate athletic
20 competitions) at a rate commensurate with
21 the going rate in the relevant locality for
22 similar work; or

23 (vii) any program to connect student
24 athletes with employers and facilitate em-
25 ployment opportunities, if—

1 (I) the financial terms of such
2 employment opportunities are con-
3 sistent with the terms offered to simi-
4 larly situated individuals who are not
5 student athletes; and

6 (II) such program is not used to
7 induce a student athlete to attend a
8 particular institution.

9 (2) CONFERENCE.—The term “conference”
10 means an entity that—

11 (A) exclusively has as members 2 or more
12 institutions; and

13 (B) arranges championships and sets rules
14 with respect to intercollegiate athletic competi-
15 tions for members.

16 (3) COST OF ATTENDANCE.—The term “cost of
17 attendance”—

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

21 (B) is calculated by the financial aid office
22 of an institution using the same standards, poli-
23 cies, and procedures for all students.

24 (4) GRANT-IN-AID.—The term “grant-in-aid”
25 means a scholarship, grant, stipend, or other form of

1 financial assistance, including the provision of tui-
2 tion, room, board, books, or funds for fees or per-
3 sonal expenses, that—

4 (A) is paid or provided by an institution to
5 a student for the undergraduate or graduate
6 course of study of the student; and

7 (B) is in an amount that does not exceed
8 the cost of attendance for such student at the
9 institution.

10 (5) IMAGE.—The term “image” means, with re-
11 spect to a student athlete, a picture or video that
12 identifies, is linked to, or is reasonably linked to
13 such student athlete.

14 (6) INSTITUTION.—The term “institution” has
15 the meaning given the term “institution of higher
16 education” in section 101 of the Higher Education
17 Act of 1965 (20 U.S.C. 1001).

18 (7) INTERCOLLEGIATE ATHLETIC COMPETI-
19 TION.—The term “intercollegiate athletic competi-
20 tion” means any contest, game, meet, match, tour-
21 nament, regatta, or other event in which varsity
22 sports teams of more than 1 institution compete.

23 (8) INTERSTATE INTERCOLLEGIATE ATHLETIC
24 ASSOCIATION.—The term “interstate intercollegiate
25 athletic association” means—

1 (A) any entity organized in the United
2 States that—

3 (i) sponsors or arranges intercollegiate
4 athletic competitions between institutions
5 and conferences;

6 (ii) sets common rules, standards,
7 procedures, or guidelines for the adminis-
8 tration of intercollegiate athletic competi-
9 tions; and

10 (iii) is composed of 2 or more con-
11 ferences with member institutions located
12 in more than 1 State; and

13 (B) does not include an entity affiliated
14 with professional athletic competitions.

15 (9) LIKENESS.—The term “likeness” means,
16 with respect to a student athlete, a physical or dig-
17 ital depiction or representation that identifies, is
18 linked to, or is reasonably linked to such student
19 athlete.

20 (10) NAME.—The term “name” means, with re-
21 spect to a student athlete, the first or last name, or
22 the nickname, of such student athlete if used in a
23 context that identifies, is linked to, or is reasonably
24 linked to such student athlete.

1 (11) NAME, IMAGE, AND LIKENESS AGREE-
2 MENT.—The term “name, image, and likeness agree-
3 ment” means a contract or similar agreement be-
4 tween a student athlete and a third party regarding
5 the commercial use of the name, image, or likeness
6 of the student athlete.

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

14 (13) NIL REPRESENTATION.—The term “NIL
15 representation”—

16 (A) means representation of a student ath-
17 lete by an individual or entity with respect to
18 a name, image, and likeness agreement; and

19 (B) does not include such representation if
20 carried out by an immediate family member of
21 the student athlete.

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

24 (A) is enrolled at an institution; and

1 (B) participates in a varsity sports team of
2 such institution.

3 (15) THIRD PARTY.—The term “third party”—

4 (A) means any individual or entity that li-
5 censes name, image, and likeness rights from
6 any current or prospective student athlete or
7 any group of such athletes; and

8 (B) does not include an institution, con-
9 ference, or interstate intercollegiate athletic as-
10 sociation.

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

17 **SEC. 3. PROTECTION OF NAME, IMAGE, AND LIKENESS**
18 **RIGHTS OF STUDENT ATHLETES.**

19 (a) RIGHT TO ENTER INTO NAME, IMAGE, AND
20 LIKENESS AGREEMENTS.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), no institution, conference, or interstate
23 intercollegiate athletic association may restrict the
24 ability of a student athlete to enter into a name,
25 image, and likeness agreement.

1 (2) EXCEPTIONS.—An institution, conference,
2 or interstate intercollegiate athletic association may
3 restrict the eligibility of a student athlete for inter-
4 collegiate athletic competitions if such student ath-
5 lete enters into a name, image, and likeness agree-
6 ment that—

7 (A) violates the code of student conduct of
8 the institution at which the student athlete is
9 enrolled;

10 (B) negatively impacts the reputation or
11 public image of such institution; or

12 (C) conflicts with the terms of an existing
13 contract or agreement of such institution.

14 (3) DISCLOSURE.—

15 (A) IN GENERAL.—Not later than 60 days
16 after the date on which a student athlete enters
17 into a name, image, and likeness agreement,
18 such student athlete shall disclose the terms of
19 such agreement to the institution at which such
20 student athlete is enrolled.

21 (B) RELEASE OF INFORMATION.—Except
22 as provided in section 6, an institution may not
23 release any information provided by a student
24 athlete in a disclosure provided under subpara-
25 graph (A) without the express written consent

1 of such student athlete or the NIL representa-
2 tion of the student athlete.

3 (b) RIGHT TO REPRESENTATION.—No institution,
4 conference, or interstate intercollegiate athletic association
5 may prohibit the participation of a student athlete in an
6 intercollegiate athletic competition, or events relating to
7 an intercollegiate athletic competition, on the basis that
8 the student athlete has obtained NIL representation.

9 (c) REQUIREMENTS FOR NAME, IMAGE, AND LIKE-
10 NESS AGREEMENTS.—A name, image, and likeness agree-
11 ment is void from the inception of such agreement if such
12 agreement does not satisfy the following requirements:

13 (1) The agreement is in writing.

14 (2) The agreement contains—

15 (A) a description of any services to be ren-
16 dered under the agreement;

17 (B) the names of the parties to the agree-
18 ment;

19 (C) the term of the agreement;

20 (D) the amount of compensation to be pro-
21 vided to the relevant student athlete under the
22 agreement; and

23 (E) a provision specifying under what cir-
24 cumstances or events the agreement may be

1 terminated on account of non-performance of
2 obligations by the relevant student athlete.

3 **SEC. 4. MODIFICATIONS TO SPORTS AGENT RESPONSIBILITY AND TRUST ACT.**

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

7 (1) in section 3(b)(3), by striking “Warning to
8 Student Athlete: If you agree orally or in writing to
9 be represented by an agent now or in the future you
10 may lose your eligibility to compete as a student athlete in your sport.”; and

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

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

15 “(a) IN GENERAL.—An athlete agent who assists a
16 student athlete with an endorsement contract shall disclose to the student athlete—

18 “(1) whether the athlete agent is registered
19 with an interstate intercollegiate athletic association
20 (as defined in section 2 of the SPORTS Act); and

21 “(2) if registered with such an association,
22 whether such association has as a member the institution (as defined in section 2 of the SPORTS Act)
23 at which the student athlete is enrolled.
24

1 “(b) CONSENT.—In the case of an athlete agent that
2 is not registered with an interstate intercollegiate athletic
3 association (as defined in section 2 of the SPORTS Act),
4 the athlete agent may only assist a student athlete with
5 an endorsement contract if such student athlete (or, in
6 the case of a student athlete who is under 18 years of
7 age, the parent or guardian of such student athlete) pro-
8 vides to the athlete agent written consent for such assist-
9 ance after receiving a written disclosure from the athlete
10 agent that the athlete agent is not registered with such
11 an association.”.

12 **SEC. 5. ROLES OF CONFERENCES AND INTERSTATE INTER-**
13 **COLLEGIATE ATHLETIC ASSOCIATIONS.**

14 (a) REQUIREMENTS.—Each interstate intercollegiate
15 athletic association shall—

16 (1) establish a process by which an individual
17 or entity seeking to represent a student athlete with
18 respect to a name, image, and likeness agreement
19 may register with such interstate intercollegiate ath-
20 letic association for purposes of NIL representation;
21 and

22 (2) establish and maintain a publicly accessible,
23 searchable database to assist student athletes and
24 the NIL representation of such athletes to estimate
25 the fair market value for name, image, and likeness

1 agreements based on the information provided under
2 section 6.

3 (b) OTHER ROLES.—Each conference or interstate
4 intercollegiate athletic association may—

5 (1) establish and enforce rules relating to—

6 (A) the manner and timing for the recruit-
7 ment of an athlete before and during the period
8 of eligibility of such athlete for intercollegiate
9 athletic competitions; and

10 (B) the transfer of student athletes be-
11 tween institutions, including prohibiting or lim-
12 iting compensation to student athletes by insti-
13 tutions and conferences for the purposes of in-
14 ducing a student athlete to transfer institutions;

15 (2) provide student athletes and the parents
16 and guardians of student athletes with educational
17 materials relating to name, image, and likeness
18 rights;

19 (3) organize championships; and

20 (4) establish bylaws governing membership
21 under which a conference or interstate intercollegiate
22 athletic association may, if in compliance with this
23 Act—

24 (A) remove member institutions;

1 (B) restrict participation in intercollegiate
2 athletic competitions for institutions or student
3 athletes; and

4 (C) restrict eligibility of student athletes
5 for intercollegiate athletic competitions.

6 **SEC. 6. DETERMINATION OF NIL MARKET VALUE.**

7 (a) DISCLOSURE REQUIREMENTS.—

8 (1) IN GENERAL.—Not later than July 1 of the
9 first year beginning after the date of the enactment
10 of this Act, and annually thereafter, each institution
11 shall provide, in an anonymized manner, to any
12 interstate intercollegiate athletic association of which
13 such institution is a member the following data with
14 respect to each name, image, and likeness agreement
15 disclosed to the institution under section 3(a)(3)
16 during the preceding year:

17 (A) A description of services rendered by
18 the student athlete under such agreement.

19 (B) The amount of compensation to be
20 provided to the student athlete under such
21 agreement.

22 (2) PROTECTION OF PERSONALLY IDENTIFI-
23 ABLE INFORMATION.—In providing data under para-
24 graph (1), an institution shall ensure that no per-

1 sonally identifiable information of a student athlete
2 is transmitted.

3 (b) DATABASE.—

4 (1) IN GENERAL.—Data provided to an inter-
5 state intercollegiate athletic association under sub-
6 section (a) shall be used by such association to es-
7 tablish and maintain a publicly accessible, searchable
8 database for student athletes and the NIL represen-
9 tation of such athletes to estimate the fair market
10 value for name, image, and likeness agreements.

11 (2) PRIVACY.—An interstate intercollegiate ath-
12 letic association shall take reasonable measures to
13 ensure that data available in the database described
14 in paragraph (1) is unable to be used to identify a
15 student athlete.

16 **SEC. 7. ELIGIBILITY FOR CERTAIN DEPARTMENT OF EDU-**
17 **CATION FUNDING.**

18 (a) IN GENERAL.—An institution is not eligible for
19 any Federal funding made available by the Department
20 of Education unless such institution satisfies the require-
21 ments of this section, including any requirement included
22 in a regulation promulgated under subsection (e).

23 (b) EDUCATION AND TRAINING.—An institution shall
24 provide, to each student athlete who receives a grant-in-
25 aid from such institution in relation to participation in a

1 varsity sports team, education and training with respect
2 to the following:

- 3 (1) Career preparation.
- 4 (2) Financial literacy.
- 5 (3) Mental health.
- 6 (4) Name, image, and likeness opportunities.
- 7 (5) Nutrition.
- 8 (6) Sexual violence prevention.
- 9 (7) Strength and conditioning.
- 10 (8) The process for transferring to another in-
11 stitution.

12 (c) MEDICAL CARE.—For the 4-year period begin-
13 ning on the date on which an individual graduates or oth-
14 erwise separates from an institution in which such indi-
15 vidual was enrolled, such institution shall pay all the med-
16 ical costs of such individual in relation to any injury of
17 such individual that occurred—

- 18 (1) while the individual was a student athlete at
19 such institution; and
- 20 (2) as a result of participation in a varsity
21 sports team.

22 (d) GRANTS-IN-AID.—An institution that provides a
23 grant-in-aid to a student athlete in relation to partici-
24 tion in a varsity sports team—

1 (1) may not reduce the amount of or cancel
2 such grant-in-aid for any reason relating to—

3 (A) athletic ability or performance;

4 (B) contribution to team success;

5 (C) injury;

6 (D) physical or mental illness; or

7 (E) roster management decisions; and

8 (2) during the 10-year period beginning on the
9 date on which such grant-in-aid is initially agreed to
10 by such institution, shall make such grant-in-aid
11 available to such student athlete for purposes of de-
12 gree completion without regard to whether such stu-
13 dent athlete continues to participate in a varsity
14 sports team.

15 (e) REGULATIONS.—The Secretary of Education may
16 promulgate, in accordance with section 553 of title 5,
17 United States Code, such regulations as may be necessary
18 to carry out this section.

19 (f) APPLICABILITY.—This section shall apply with re-
20 spect to Federal funding made available on or after the
21 date that is 1 year after the date of the enactment of this
22 Act.

23 **SEC. 8. LIMITATION ON LIABILITY.**

24 An institution, conference, or interstate intercolle-
25 giate athletic association that complies with this Act, in-

1 cluding the amendments made by this Act, may not be
2 treated as violating any law or regulation, and may not
3 be subject to liability under any law or regulation, on the
4 basis of—

5 (1) the adoption of, agreement to, enforcement
6 of, or compliance with any rule or bylaw of an insti-
7 tution, conference, or interstate intercollegiate ath-
8 letic association that limits or prohibits a student
9 athlete from receiving compensation from an institu-
10 tion, conference, or interstate intercollegiate athletic
11 association;

12 (2) a restriction on the eligibility, with respect
13 to intercollegiate athletic competitions, of a student
14 athlete who violates a rule of an institution, con-
15 ference, or interstate intercollegiate athletic associa-
16 tion that is reasonably contemplated under this Act;
17 or

18 (3) compliance with any agreement, under-
19 standing, rule, or bylaw adopted by an institution,
20 conference, or interstate intercollegiate athletic asso-
21 ciation that is reasonably contemplated under this
22 Act.

1 **SEC. 9. PREEMPTION.**

2 (a) IN GENERAL.—No State or political subdivision
3 of a State may enforce any law, regulation, rule, require-
4 ment, or standard that—

5 (1) conflicts with this Act, including any
6 amendments made by this Act; or

7 (2) governs or regulates, with respect to inter-
8 collegiate athletic competitions or varsity sports
9 teams, the compensation, employment status, or eli-
10 gibility of a student athlete, including any law, regu-
11 lation, rule, requirement, or standard that governs
12 or regulates the commercial use of the name, image,
13 or likeness of a student athlete.

14 (b) STUDENT ATHLETES NOT EMPLOYEES.—Not-
15 withstanding any other provision of law, a student athlete
16 may not be considered an employee of an institution, con-
17 ference, or interstate intercollegiate athletic association,
18 on the basis of the participation of such student athlete
19 in a varsity sports team.

○