

# The Student Athlete Level Playing Field Act

*Allow student athletes to capitalize on their name, image, and likeness*

Rep. Anthony Gonzalez (R-OH) and Rep. Emanuel Cleaver (D-MO)

## The Background:

- College sports is big business, and everyone is capitalizing except the players. College athletes should be able to capitalize off their name, image, and likeness (NIL) just like every other American.
- In Fall 2019, the NCAA announced they would work to provide student athletes with guidance on how to capitalize from their NIL under league rules, proposing to create new rules no later than January 2021.
- However, action taken by the NCAA will likely be incomplete in providing full NIL rights and will be in conflict with other state laws that have already passed in California and other states, all with differing standards. There must be federal legislation to set a uniform standard, level the playing field, and protect the spirit of college athletics for future generations of student athletes.

## The Solution:

The Student Athlete Level Playing Field Act is a bipartisan solution that would address the issue by:

- **Granting student athletes the right to capitalize off their own name, image and likeness and engage in agent contracts** – The bill prohibits universities, the NCAA, or conferences from restricting student athletes from entering into NIL or agent contracts unless a contract falls into a category that could harm the reputation of a student athlete, such as tobacco or alcohol. The Federal Trade Commission (FTC) is tasked with enforcing this provision, and student athletes can file a complaint with the FTC if they believe their rights are infringed upon.
- **Establishing one federal standard** – The bill pre-empts any existing or prospective state law on NIL, creating one federal standard and a level playing field for college athletics.
- **Providing Congressional oversight**– The bill establishes a commission appointed by Congress and made up of a variety of NIL stakeholders, including student athletes. The commission is tasked with continuing to study the logistics of NIL as it is rolled out and providing legislative recommendations to Congress about ways the process could be improved.
- **Ensuring student athletes are not considered employees of universities** – The bill makes clear that universities should not compensate student athletes for the use of their NIL or allow a student's NIL earning ability to affect their scholarship or financial aid status.
- **Protecting the recruitment process** – The bill amends The Sports Agent Responsibility and Trust Act (SPARTA) to include a definition of “boosters,” and details actions taken by boosters in the recruiting process that would be penalized through FTC enforcement.

The Student Athlete Level Playing Field Act would preserve the college athletic system that Americans across the country love, while also delivering meaningful reforms for student athletes. These athletes deserve the same privilege all other Americans have – the ability to fulfill their American Dream by capitalizing on what they're good at, should they choose to work hard for it.