



## Summary of "Student-Athlete Equity Act of 2020"

The proposed Act ensures that all Student-Athletes can monetize their Publicity Rights (also known as name, image, and likeness, or "NIL" rights) pursuant to:

- a uniform national structure;
- the assistance of qualified agents and advisors; and
- safeguards to prevent payments actually intended to induce or compensate a Student-Athlete for playing sports at a particular university from being mischaracterized as payments for Publicity Rights.

### Publicity Rights of Student-Athletes

Section 3(b) ensures that each Student-Athlete can license his or her Publicity Rights, subject to narrow safeguards, which afford the NCAA very narrow authority to limit or prohibit payments:

- to induce a prospective Student-Athlete to attend a particular institution;
- by or on behalf of institutions; and
- for Publicity Rights licenses prior to the completion of a semester of college work.

The term "Compensation" is defined in Section 2 in a manner to ensure that the NCAA cannot regulate or limit certain fundamental benefits now available to all Division I Student-Athletes, including:

- full "cost of attendance" athletic scholarships;
- Pell and other governmental grants;
- health and disability insurance payments and benefits; and
- career counseling, and legitimate employment.

Section 3(c) permits individual institutions, acting alone and not in coordination, to prevent Student-Athletes from entering into endorsement agreements that violate university standards or that conflict with institutional sponsorship agreements.

### Transparency

Section 4 of the Act provides that all agreements with Certified Agents and all Publicity Rights licenses will be publicly available, which should help to prevent Student-Athletes from acting without sufficient information and also be beneficial in implementing the provisions of Section 3(b).

### Agents and Advisors

Section 5 of the Act establishes a "Certification Office" within the Federal Trade Commission for the purpose of licensing and regulating agents and advisors. Consistent with the provisions of section 3(b)(ii), section 3(a) ensures that Student-Athletes can retain Certified Agents once they have passed the equivalent of one semester of institution course work.

### Limited Safe Harbor/Preemption

Section 6 ensures that the NCAA, conferences and institutions will not be subjected to inappropriate liability and preempts a patchwork of inconsistent state laws.