

College Athlete Right to Organize Act
Section by Section

Section 1. Short Title

The title of the bill is the *College Athlete Right to Organize Act*.

Section 2. Findings

Includes findings by Congress that re-assert the purpose of the National Labor Relations Act (NLRA) to help employees bargain for better pay and conditions, establishes that collective bargaining agreements (CBAs) are especially well-suited for the terms and conditions of employment in sports leagues and that the right to organize and establish CBAs in professional sports have helped end exploitative practices by team owners and management, describes the current exploitative practices at the core of college sports and the clear employee-employer relationship that already exists between college athletes and their respective colleges, why recognizing this relationship is needed to achieve fairness for athletes in college sports, and why Congress should exercise its authority to regulate commerce as pertaining to intercollegiate sports.

Section 3. Employment Status of College Athletes

(a) Defining college athletes as employees of their respective colleges. The definitions of “employee” and “employer” under Section 2 of the NLRA are amended to define any college athlete as an employee of their respective college, whether a public or private institution, if the athlete receives direct compensation from their college, whether in the form of grant-in-aid or other forms of compensation, and such compensation is contingent on their participation in intercollegiate athletics. This provision recognizes the employee-employer relationship that already exists between college athletes and their respective colleges, and it helps athletes successfully organize to collectively bargain over their compensation, hours, working conditions, and other related mandatory subjects of bargaining.

(b) Establishing multiemployer bargaining units for college athletes. This provision states that for the purpose of establishing an exclusive bargaining unit as related to intercollegiate sports, the NLRB shall recognize colleges within an athletic conference as part of a multiemployer bargaining unit, only if representatives with the relevant college athlete associations consent to this unit. By establishing this exclusive bargaining unit, college athletes will be able to negotiate collective bargaining agreements across colleges within a given athletic conference to establish uniform rules and standards related to compensation, hours, working conditions, and other related mandatory subjects of bargaining.

(c) Asserting NLRB jurisdiction in regard to intercollegiate sports. This provision asserts that the NLRB shall exercise jurisdiction over all institutions of higher education within the context of intercollegiate sports in relation to all collective bargaining and representation matters as well as labor disputes. By asserting this jurisdiction, college athletes across institutions will be able to petition the NLRB in any matter related to negotiating labor issues with their employers,

whether that be in establishing representation, recognizing a bargaining unit, or resolving other labor disputes.

(d) Prohibition of Waiver. This provision prohibits conditions in scholarship agreements or other contracts that would waive any rights provided in this Act.

Section 4. Treatment of Direct Compensation for Tax Purposes and Eligibility for Federal Financial Assistance

This section assures that nothing in this Act shall change the current tax status and treatment of any compensation college athletes receive, otherwise create additional tax burdens that do not currently exist due to an athlete being considered an employee, or affect college athletes' federal financial aid status as well as any current reporting requirements within the Internal Revenue Code.

Section 5. Severability

If any provisions of this Act, an amendment made by this Act, or the application of such provision or amendment is held to be unconstitutional, the remainder of this Act and amendments made by this Act shall not be affected.