

**2022 Legislation Competition**

## Due Date: Friday, March 25th 11:59 PM EST

### PROMPT

In the Supreme Court’s unanimous decision in [*NCAA v. Alston*](https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf)*,* the Court held the NCAA’s rules restricting certain education-related benefits for student-athletes violated federal antitrust laws. In his concurrence, Justice Kavanaugh wrote, “Traditions alone cannot justify the NCAA’s decision to build a massive money-raising enterprise on the backs of student athletes who are not fairly compensated. Nowhere else in America can businesses get away with agreeing not to pay their workers a fair market rate on the theory that their product is defined by not paying their workers a fair market rate.” The Court’s decision did not directly address the NCAA’s historic ban on the licensing of students’ name, image, and likeness, but it laid the groundwork for a sea-change in the balance of power between student athletes and universities.

In parallel with this decision, several legislators have advanced their own visions for how a more equitable compensation scheme might work. These visions, and the proposed pieces of legislation that accompany them, vary widely, and each come with their own balances of concerns and equities.

1. [The College Athletes Bill of Rights](https://www.booker.senate.gov/news/press/senators-booker-and-blumenthal-introduce-college-athletes-bill-of-rights)

Introduced by New Jersey Senator Cory Booker in December 2020, the College Athletes Bill of Rights seeks to reshape college sports and the compensation of athletes by, among other things, prohibiting colleges or the NCAA from restricting a college athlete to market their name, image and likeness (NIL), setting up a commission to regulate the industry, giving the CDC authority to address health concerns, and establishing a revenue sharing and royalty payment system.

1. [The College Athletic Economic Freedom Act](https://www.murphy.senate.gov/newsroom/press-releases/murphy-trahan-introduce-legislation-to-allow-college-athletes-to-make-money-off-their-name-image-and-likeness)

Introduced by Connecticut Senator Chris Murphy of Connecticut and Massachusetts Representative Lori Trahan, The College Athletic Economic Freedom Act “[establishes] a federal right for college athletes to market the use of their name, image, likeness, or athletic reputation – individually and as a group – by prohibiting colleges, conferences, and the NCAA from setting or enforcing rules that restrict this right or otherwise colluding to limit how athletes can use their NIL, including by setting rules restricting this right for prospective college athletes.”

1. [College Athlete Right to Organize Act](https://www.murphy.senate.gov/imo/media/doc/CARO%20Fact%20Sheet_final_final.pdf)

Also introduced by Senator Murphy, along with Vermont Senator Bernie Sanders, the College Athlete Right to Organize Act establishes collective bargaining rights for college athletes, requiring the National Labor Relations Board to incorporate college athletes into the body of labor law.

**Assignment**

For your submission, please compare and analyze [The College Athletes Bill of Rights](https://www.booker.senate.gov/news/press/senators-booker-and-blumenthal-introduce-college-athletes-bill-of-rights) to either [The College Athlete Economic Freedom Act](https://www.murphy.senate.gov/newsroom/press-releases/murphy-trahan-introduce-legislation-to-allow-college-athletes-to-make-money-off-their-name-image-and-likeness) or [The College Athlete Right To Organize Act](https://www.murphy.senate.gov/imo/media/doc/CARO%20Fact%20Sheet_final_final.pdf)**,** or compare the first to both of the latter in tandem. In your analysis, please feel free to focus on only one or a handful of major issues, and do not dwell on covering every point of analysis if doing so would not be pertinent to your argument. Additionally, you are welcome to propose amendments or changes that you would make to any of the proposed bills. Papers should take the form of an essay, *not* a piece of legislation. You need not limit yourself to legal analysis; you may also consider relevant political, social, or policy questions.

### RULES FOR SUBMISSION

1. The Legislation Competition is open to both individuals and teams of up to 3 members. If a team wins, prizes will be split among the teammates.
2. Your response paper should be **no longer than 1500 words**. We understand that this means you may not be able to address every facet of your idea; that’s okay. We prefer clarity of analysis over breadth of analysis.
3. Outside research is recommended, and citations should be bluebooked.
4. Responses are due on **Friday, March 25th, 2022 at 11:59 pm Eastern Standard Time**. Please submit your response paper to [sse.legis@gmail.com](mailto:sse.legis@gmail.com). Please include the attached **cover letter** form with your paper.
5. Do not include your name or any identifying information in the response paper itself, as it will be graded anonymously. Any response papers with identifying information will be excluded from the competition.

### PRIZES

The winning submissions will be publicly recognized at the Journal of Legislation and Public Policy’s Spring symposium, “College Athletics and Employment Law: A Conversation about Intercollegiate Sports and the Aftermath of *NCAA v. Alston*” on Friday, April 1, 2022 (to be hosted on Zoom). The symposium is co-hosted by the ​​NYU Center for Labor & Employment Law and the NYU Sports Law Association. The winning team or individual will receive a cash prize of $250 and will be published on *Quorum*, JLPP’s online journal. The runner-up will receive a cash prize of $150, as well as publication on *Quorum*. 1L winners will also gain automatic admission onto the Journal of Legislation and Public Policy.

# 2022 Legislation Competition: Applicant Cover Letter

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