

U.S. Senators Reintroduce Bipartisan NCAA Accountability Act

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Tennessee Senator Marsha Blackburn (R) and New Jersey Senator Cory Booker (D) have reintroduced the “NCAA Accountability Act.” This follows multiple hearings held over the past few years on NCAA operations, including how the NCAA handles investigations and enforcement of its bylaws.

The bipartisan bill seeks to enhance due process protections for intercollegiate athletic programs under investigation for potential rule violations by the NCAA. Under the proposed legislation, investigations by the NCAA Enforcement staff would involve greater transparency, expediency, and consistency. Because of the increase of name, image, and likeness (NIL) arrangements and their use as a recruiting tool, combined with several states passing their own NIL-related legislation, there are many questions and concerns about the NCAA’s parameters and protocols for conducting investigations and how penalties are imposed by the NCAA Infractions Committee, especially in the context of NIL-related recruiting violations.

NCAA Accountability Act: Key Proposals

The bill calls for the NCAA to expedite investigations in a consistent manner:

- Under the bill, the NCAA must complete the investigation within a one-year period after providing notice to the institution of an alleged infraction.
- The bill imposes a limitation period, barring the NCAA from investigating alleged violations that may have occurred beyond two years from the date notice was sent to the school.

Arbitration as a potential remedy for dispute resolution:

- If there is a dispute over the NCAA’s recommendation for punishment, the member universities may compel arbitration.
- Arbitration must be conducted by a three-person panel. The arbitrators will provide an independent review and binding decision.

The Attorney General can ask NCAA for reports about investigations:

- The Attorney General can direct the NCAA to submit an annual report to the Department of Justice summarizing its enforcement proceedings. The NCAA must also submit separate reports to each state's attorney general summarizing its interactions with member universities headquartered in their respective states.
- The bill provides the Department of Justice reasonable access to examine evidence of any person or covered athletic association being investigated.

While it is unlikely to pass in an election year, ultimately, the bill seeks to generate increased fairness, uniformity, and transparency in the NCAA's process for investigating and litigating potential rule violations.

Jackson Lewis' Collegiate Sports Industry Group is available to assist universities, conferences, or other stakeholders in dealing with infractions investigations, hearings, appeals, and other matters involving alleged violations of NCAA bylaws.

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