

Union Calendar No. 66

108TH CONGRESS
1ST SESSION

H. R. 361

[Report No. 108-24, Parts I and II]

To designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

Mr. GORDON (for himself, Mr. OSBORNE, Mr. DINGELL, Mr. BROWN of Ohio, Mr. LUCAS of Kentucky, Mr. SERRANO, Ms. NORTON, Mr. SIMMONS, Mr. DUNCAN, Mr. HAYES, Mr. WAMP, Mr. TOWNS, Mr. WILSON of South Carolina, Mr. MATHESON, Mr. ENGEL, Mr. RAMSTAD, Mr. RUSH, Ms. MCCARTHY of Missouri, Mr. LEACH, Mr. SHIMKUS, Mr. DEUTSCH, Mr. STEARNS, Mr. DOYLE, Mr. BURR, Mrs. CAPPS, Mr. PICKERING, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH 5, 2003

Reported and referred to the Committee on the Judiciary for a period ending not later than June 1, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X

MAY 20, 2003

Referral to the Committee on the Judiciary extended for a period ending not later than June 2, 2003

JUNE 2, 2003

Additional sponsors: Mr. TERRY, Mr. BEREUTER, Mr. WOLF, Mr. BOUCHER, Mr. DEMINT, Mr. BOSWELL, Ms. CARSON of Indiana, Mr. ETHERIDGE, Mr. HEFLEY, Mr. MILLER of Florida, Mr. BAIRD, Mr. SOUDER, Mr. UDALL of Colorado, Ms. SOLIS, Mr. GRIJALVA, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. JOHN, Mr. FORD, Mr. ROYCE, Mr. TANNER, Mr. DAVIS of Florida, Mr. KIND, Mr. HAYWORTH, Mr. BACHUS, Mr. KELLER, Mr. PLATTS, Mrs. BIGGERT, Mr. DAVIS of Tennessee, Mrs.

KELLY, Mr. KIRK, Ms. HART, Mr. PENCE, Mr. FLETCHER, Mr. MEEHAN, Mr. BERMAN, Mr. WATT, Mr. LIPINSKI, Mr. CHOCOLA, Mrs. EMERSON, Mr. GREEN of Wisconsin, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. SHUSTER, Mr. TIAHRT, Mr. WALSH, Ms. WATSON, Ms. LEE, Mr. BARRETT of South Carolina, and Mr. CONYERS

JUNE 2, 2003

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sports Agent Respon-
 5 sibility and Trust Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act, the following definitions apply:

8 (1) **AGENCY CONTRACT.**—The term “agency
 9 contract” means an oral or written agreement in
 10 which a student athlete authorizes a person to nego-
 11 tiate or solicit on behalf of the student athlete a pro-
 12 fessional sports contract or an endorsement contract.

1 (2) ATHLETE AGENT.—The term “athlete
2 agent” means an individual who enters into an agen-
3 cy contract with a student athlete, or directly or in-
4 directly recruits or solicits a student athlete to enter
5 into an agency contract, and does not include a
6 spouse, parent, sibling, grandparent, or guardian of
7 such student athlete, or an individual acting solely
8 on behalf of a professional sports team or profes-
9 sional sports organization.

10 (3) ATHLETIC DIRECTOR.—The term “athletic
11 director” means an individual responsible for admin-
12 istering the athletic program of an educational insti-
13 tution or, in the case that such program is adminis-
14 tered separately, the athletic program for male stu-
15 dents or the athletic program for female students, as
16 appropriate.

17 (4) COMMISSION.—The term “Commission”
18 means the Federal Trade Commission.

19 (5) ENDORSEMENT CONTRACT.—The term “en-
20 dorsement contract” means an agreement under
21 which a student athlete is employed or receives con-
22 sideration for the use by the other party of that in-
23 dividual’s person, name, image, or likeness in the
24 promotion of any product, service, or event.

1 (6) INTERCOLLEGIATE SPORT.—The term
2 “intercollegiate sport” means a sport played at the
3 collegiate level for which eligibility requirements for
4 participation by a student athlete are established by
5 a national association for the promotion or regula-
6 tion of college athletics.

7 (7) PROFESSIONAL SPORTS CONTRACT.—The
8 term “professional sports contract” means an agree-
9 ment under which an individual is employed, or
10 agrees to render services, as a player on a profes-
11 sional sports team, with a professional sports organi-
12 zation, or as a professional athlete.

13 (8) STATE.—The term “State” includes a State
14 of the United States, the District of Columbia, Puer-
15 to Rico, the United States Virgin Islands, or any
16 territory or insular possession subject to the jurisdic-
17 tion of the United States.

18 (9) STUDENT ATHLETE.—The term “student
19 athlete” means an individual who engages in, is eli-
20 gible to engage in, or may be eligible in the future
21 to engage in, any intercollegiate sport. An individual
22 who is permanently ineligible to participate in a par-
23 ticular intercollegiate sport is not a student athlete
24 for purposes of that sport.

1 **SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS**
2 **AND PRACTICES IN CONNECTION WITH THE**
3 **CONTACT BETWEEN AN ATHLETE AGENT AND**
4 **A STUDENT ATHLETE.**

5 (a) **CONDUCT PROHIBITED.**—It is unlawful for an
6 athlete agent to—

7 (1) directly or indirectly recruit or solicit a stu-
8 dent athlete to enter into an agency contract, by—

9 (A) giving any false or misleading informa-
10 tion or making a false promise or representa-
11 tion; or

12 (B) providing anything of value to a stu-
13 dent athlete or anyone associated with the stu-
14 dent athlete before the student athlete enters
15 into an agency contract;

16 (2) enter into an agency contract with a stu-
17 dent athlete without providing the student athlete
18 with the disclosure document described in subsection
19 (b); or

20 (3) predate or postdate an agency contract.

21 (b) **REQUIRED DISCLOSURE BY ATHLETE AGENTS**
22 **TO STUDENT ATHLETES.**—

23 (1) **IN GENERAL.**—In conjunction with the en-
24 tering into of an agency contract, an athlete agent
25 shall provide to the student athlete, or, if the stu-
26 dent athlete is under the age of 18, to such student

1 athlete's parent or legal guardian, a disclosure docu-
2 ment that meets the requirements of this subsection.
3 Such disclosure document is separate from and in
4 addition to any disclosure which may be required
5 under State law.

6 (2) SIGNATURE OF STUDENT ATHLETE.—The
7 disclosure document must be signed by the student
8 athlete, or, if the student athlete is under the age of
9 18, by such student athlete's parent or legal guard-
10 ian, prior to entering into the agency contract.

11 (3) REQUIRED LANGUAGE.—The disclosure doc-
12 ument must contain, in close proximity to the signa-
13 ture of the student athlete, or, if the student athlete
14 is under the age of 18, the signature of such student
15 athlete's parent or legal guardian, a conspicuous no-
16 tice in boldface type stating: "Warning to Student
17 Athlete: If you agree orally or in writing to be rep-
18 resented by an agent now or in the future you may
19 lose your eligibility to compete as a student athlete
20 in your sport. Within 72 hours after entering into
21 this contract or before the next athletic event in
22 which you are eligible to participate, whichever oc-
23 curs first, both you and the agent by whom you are
24 agreeing to be represented must notify the athletic
25 director of the educational institution at which you

1 are enrolled, or other individual responsible for ath-
2 letic programs at such educational institution, that
3 you have entered into an agency contract.”.

4 **SEC. 4. ENFORCEMENT.**

5 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
6 violation of this Act shall be treated as a violation of a
7 rule defining an unfair or deceptive act or practice pre-
8 scribed under section 18(a)(1)(B) of the Federal Trade
9 Commission Act (15 U.S.C. 57a(a)(1)(B)).

10 (b) ACTIONS BY THE COMMISSION.—The Commis-
11 sion shall enforce this Act in the same manner, by the
12 same means, and with the same jurisdiction, powers, and
13 duties as though all applicable terms and provisions of the
14 Federal Trade Commission Act (15 U.S.C. 41 et seq.)
15 were incorporated into and made a part of this Act.

16 **SEC. 5. ACTIONS BY STATES.**

17 (a) IN GENERAL.—

18 (1) CIVIL ACTIONS.—In any case in which the
19 attorney general of a State has reason to believe
20 that an interest of the residents of that State has
21 been or is threatened or adversely affected by the
22 engagement of any athlete agent in a practice that
23 violates section 3 of this Act, the State may bring
24 a civil action on behalf of the residents of the State

1 in a district court of the United States of appro-
2 priate jurisdiction to—

3 (A) enjoin that practice;

4 (B) enforce compliance with this Act;

5 (C) obtain damage, restitution, or other
6 compensation on behalf of residents of the
7 State; or

8 (D) obtain such other relief as the court
9 may consider to be appropriate.

10 (2) NOTICE.—

11 (A) IN GENERAL.—Before filing an action
12 under paragraph (1), the attorney general of
13 the State involved shall provide to the Commis-
14 sion—

15 (i) written notice of that action; and

16 (ii) a copy of the complaint for that
17 action.

18 (B) EXEMPTION.—Subparagraph (A) shall
19 not apply with respect to the filing of an action
20 by an attorney general of a State under this
21 subsection, if the attorney general determines
22 that it is not feasible to provide the notice de-
23 scribed in that subparagraph before filing of the
24 action. In such case, the attorney general of a
25 State shall provide notice and a copy of the

1 complaint to the Commission at the same time
2 as the attorney general files the action.

3 (b) INTERVENTION.—

4 (1) IN GENERAL.—On receiving notice under
5 subsection (a)(2), the Commission shall have the
6 right to intervene in the action that is the subject
7 of the notice.

8 (2) EFFECT OF INTERVENTION.—If the Com-
9 mission intervenes in an action under subsection (a),
10 it shall have the right—

11 (A) to be heard with respect to any matter
12 that arises in that action; and

13 (B) to file a petition for appeal.

14 (c) CONSTRUCTION.—For purposes of bringing any
15 civil action under subsection (a), nothing in this title shall
16 be construed to prevent an attorney general of a State
17 from exercising the powers conferred on the attorney gen-
18 eral by the laws of that State to—

19 (1) conduct investigations;

20 (2) administer oaths or affirmations; or

21 (3) compel the attendance of witnesses or the
22 production of documentary and other evidence.

23 (d) ACTIONS BY THE COMMISSION.—In any case in
24 which an action is instituted by or on behalf of the Com-
25 mission for a violation of section 3, no State may, during

1 the pendency of that action, institute an action under sub-
2 section (a) against any defendant named in the complaint
3 in that action.

4 (e) VENUE.—Any action brought under subsection
5 (a) may be brought in the district court of the United
6 States that meets applicable requirements relating to
7 venue under section 1391 of title 28, United States Code.

8 (f) SERVICE OF PROCESS.—In an action brought
9 under subsection (a), process may be served in any district
10 in which the defendant—

11 (1) is an inhabitant; or

12 (2) may be found.

13 **SEC. 6. PROTECTION OF EDUCATIONAL INSTITUTION.**

14 (a) NOTICE REQUIRED.—Within 72 hours after en-
15 tering into an agency contract or before the next athletic
16 event in which the student athlete may participate, which-
17 ever occurs first, the athlete agent and the student athlete
18 shall each inform the athletic director of the educational
19 institution at which the student athlete is enrolled, or
20 other individual responsible for athletic programs at such
21 educational institution, that the student athlete has en-
22 tered into an agency contract, and the athlete agent shall
23 provide the athletic director with notice in writing of such
24 a contract.

25 (b) CIVIL REMEDY.—

1 (1) **IN GENERAL.**—An educational institution
2 has a right of action against an athlete agent for
3 damages caused by a violation of this Act.

4 (2) **DAMAGES.**—Damages of an educational in-
5 stitution may include losses and expenses incurred
6 because, as a result of the conduct of the athlete
7 agent, the educational institution was injured by a
8 violation of this Act or was penalized, disqualified,
9 or suspended from participation in athletics by a na-
10 tional association for the promotion and regulation
11 of athletics, by an athletic conference, or by reason-
12 able self-imposed disciplinary action taken to miti-
13 gate actions likely to be imposed by such an associa-
14 tion or conference.

15 (3) **COSTS AND ATTORNEYS FEES.**—In an ac-
16 tion taken under this section, the court may award
17 to the prevailing party costs and reasonable attor-
18 neys fees.

19 (4) **EFFECT ON OTHER RIGHTS, REMEDIES AND**
20 **DEFENSES.**—This section does not restrict the
21 rights, remedies, or defenses of any person under
22 law or equity.

23 **SEC. 7. SENSE OF CONGRESS.**

24 It is the sense of Congress that States should enact
25 the Uniform Athlete Agents Act of 2000 drafted by the

1 National Conference of Commissioners on Uniform State
2 Laws, to protect student athletes and the integrity of ama-
3 tear sports from unscrupulous sports agents. In par-
4 ticular, it is the sense of Congress that States should enact
5 the provisions relating to the registration of sports agents,
6 the required form of contract, the right of the student ath-
7 lete to cancel an agency contract, the disclosure require-
8 ments relating to record maintenance, reporting, renewal,
9 notice, warning, and security, and the provisions for reci-
10 procity among the States.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Sports Agent Responsi-*
13 *bility and Trust Act”.*

14 **SEC. 2. DEFINITIONS.**

15 *As used in this Act, the following definitions apply:*

16 (1) *AGENCY CONTRACT.*—*The term “agency con-*
17 *tract” means an oral or written agreement in which*
18 *a student athlete authorizes a person to negotiate or*
19 *solicit on behalf of the student athlete a professional*
20 *sports contract or an endorsement contract.*

21 (2) *ATHLETE AGENT.*—*The term “athlete agent”*
22 *means an individual who enters into an agency con-*
23 *tract with a student athlete, or directly or indirectly*
24 *recruits or solicits a student athlete to enter into an*
25 *agency contract, and does not include a spouse, par-*

1 *ent, sibling, grandparent, or guardian of such student*
2 *athlete, any legal counsel for purposes other than that*
3 *of representative agency, or an individual acting sole-*
4 *ly on behalf of a professional sports team or profes-*
5 *sional sports organization.*

6 (3) *ATHLETIC DIRECTOR.*—*The term “athletic*
7 *director” means an individual responsible for admin-*
8 *istering the athletic program of an educational insti-*
9 *tution or, in the case that such program is adminis-*
10 *tered separately, the athletic program for male stu-*
11 *dents or the athletic program for female students, as*
12 *appropriate.*

13 (4) *COMMISSION.*—*The term “Commission”*
14 *means the Federal Trade Commission.*

15 (5) *ENDORSEMENT CONTRACT.*—*The term “en-*
16 *dorsement contract” means an agreement under*
17 *which a student athlete is employed or receives con-*
18 *sideration for the use by the other party of that indi-*
19 *vidual’s person, name, image, or likeness in the pro-*
20 *motion of any product, service, or event.*

21 (6) *INTERCOLLEGIATE SPORT.*—*The term “inter-*
22 *collegiate sport” means a sport played at the colle-*
23 *giate level for which eligibility requirements for par-*
24 *ticipation by a student athlete are established by a*

1 *national association for the promotion or regulation*
2 *of college athletics.*

3 (7) *PROFESSIONAL SPORTS CONTRACT.*—*The*
4 *term “professional sports contract” means an agree-*
5 *ment under which an individual is employed, or*
6 *agrees to render services, as a player on a profes-*
7 *sional sports team, with a professional sports organi-*
8 *zation, or as a professional athlete.*

9 (8) *STATE.*—*The term “State” includes a State*
10 *of the United States, the District of Columbia, Puerto*
11 *Rico, the United States Virgin Islands, or any terri-*
12 *tory or insular possession subject to the jurisdiction*
13 *of the United States.*

14 (9) *STUDENT ATHLETE.*—*The term “student ath-*
15 *lete” means an individual who engages in, is eligible*
16 *to engage in, or may be eligible in the future to en-*
17 *gage in, any intercollegiate sport. An individual who*
18 *is permanently ineligible to participate in a par-*
19 *ticular intercollegiate sport is not a student athlete*
20 *for purposes of that sport.*

1 **SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND**
2 **PRACTICES IN CONNECTION WITH THE CON-**
3 **TACT BETWEEN AN ATHLETE AGENT AND A**
4 **STUDENT ATHLETE.**

5 (a) *CONDUCT PROHIBITED.*—*It is unlawful for an ath-*
6 *lete agent to—*

7 (1) *directly or indirectly recruit or solicit a stu-*
8 *dent athlete to enter into an agency contract, by—*

9 (A) *giving any false or misleading informa-*
10 *tion or making a false promise or representation;*
11 *or*

12 (B) *providing anything of value to a stu-*
13 *dent athlete or anyone associated with the stu-*
14 *dent athlete before the student athlete enters into*
15 *an agency contract, including any consideration*
16 *in the form of a loan, or acting in the capacity*
17 *of a guarantor or co-guarantor for any debt;*

18 (2) *enter into an agency contract with a student*
19 *athlete without providing the student athlete with the*
20 *disclosure document described in subsection (b); or*

21 (3) *predate or postdate an agency contract.*

22 (b) *REQUIRED DISCLOSURE BY ATHLETE AGENTS TO*
23 *STUDENT ATHLETES.*—

24 (1) *IN GENERAL.*—*In conjunction with the enter-*
25 *ing into of an agency contract, an athlete agent shall*
26 *provide to the student athlete, or, if the student athlete*

1 *is under the age of 18, to such student athlete's parent*
2 *or legal guardian, a disclosure document that meets*
3 *the requirements of this subsection. Such disclosure*
4 *document is separate from and in addition to any*
5 *disclosure which may be required under State law.*

6 (2) *SIGNATURE OF STUDENT ATHLETE.—The*
7 *disclosure document must be signed by the student*
8 *athlete, or, if the student athlete is under the age of*
9 *18, by such student athlete's parent or legal guardian,*
10 *prior to entering into the agency contract.*

11 (3) *REQUIRED LANGUAGE.—The disclosure docu-*
12 *ment must contain, in close proximity to the signa-*
13 *ture of the student athlete, or, if the student athlete*
14 *is under the age of 18, the signature of such student*
15 *athlete's parent or legal guardian, a conspicuous no-*
16 *tice in boldface type stating: "Warning to Student*
17 *Athlete: If you agree orally or in writing to be rep-*
18 *resented by an agent now or in the future you may*
19 *lose your eligibility to compete as a student athlete in*
20 *your sport. Within 72 hours after entering into this*
21 *contract or before the next athletic event in which you*
22 *are eligible to participate, whichever occurs first, both*
23 *you and the agent by whom you are agreeing to be*
24 *represented must notify the athletic director of the*
25 *educational institution at which you are enrolled, or*

1 *other individual responsible for athletic programs at*
2 *such educational institution, that you have entered*
3 *into an agency contract.”.*

4 **SEC. 4. ENFORCEMENT.**

5 *(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A vio-*
6 *lation of this Act shall be treated as a violation of a rule*
7 *defining an unfair or deceptive act or practice prescribed*
8 *under section 18(a)(1)(B) of the Federal Trade Commission*
9 *Act (15 U.S.C. 57a(a)(1)(B)).*

10 *(b) ACTIONS BY THE COMMISSION.—The Commission*
11 *shall enforce this Act in the same manner, by the same*
12 *means, and with the same jurisdiction, powers, and duties*
13 *as though all applicable terms and provisions of the Federal*
14 *Trade Commission Act (15 U.S.C. 41 et seq.) were incor-*
15 *porated into and made a part of this Act.*

16 **SEC. 5. ACTIONS BY STATES.**

17 *(a) IN GENERAL.—*

18 *(1) CIVIL ACTIONS.—In any case in which the*
19 *attorney general of a State has reason to believe that*
20 *an interest of the residents of that State has been or*
21 *is threatened or adversely affected by the engagement*
22 *of any athlete agent in a practice that violates section*
23 *3 of this Act, the State may bring a civil action on*
24 *behalf of the residents of the State in a district court*
25 *of the United States of appropriate jurisdiction to—*

1 (A) *enjoin that practice;*

2 (B) *enforce compliance with this Act; or*

3 (C) *obtain damage, restitution, or other*
4 *compensation on behalf of residents of the State.*

5 (2) *NOTICE.—*

6 (A) *IN GENERAL.—Before filing an action*
7 *under paragraph (1), the attorney general of the*
8 *State involved shall provide to the Commis-*
9 *sion—*

10 (i) *written notice of that action; and*

11 (ii) *a copy of the complaint for that*
12 *action.*

13 (B) *EXEMPTION.—Subparagraph (A) shall*
14 *not apply with respect to the filing of an action*
15 *by an attorney general of a State under this sub-*
16 *section, if the attorney general determines that it*
17 *is not feasible to provide the notice described in*
18 *that subparagraph before filing of the action. In*
19 *such case, the attorney general of a State shall*
20 *provide notice and a copy of the complaint to the*
21 *Commission at the same time as the attorney*
22 *general files the action.*

23 (b) *INTERVENTION.—*

24 (1) *IN GENERAL.—On receiving notice under*
25 *subsection (a)(2), the Commission shall have the right*

1 to intervene in the action that is the subject of the no-
2 tice.

3 (2) *EFFECT OF INTERVENTION.*—If the Commis-
4 sion intervenes in an action under subsection (a), it
5 shall have the right—

6 (A) to be heard with respect to any matter
7 that arises in that action; and

8 (B) to file a petition for appeal.

9 (c) *CONSTRUCTION.*—For purposes of bringing any
10 civil action under subsection (a), nothing in this title shall
11 be construed to prevent an attorney general of a State from
12 exercising the powers conferred on the attorney general by
13 the laws of that State to—

14 (1) conduct investigations;

15 (2) administer oaths or affirmations; or

16 (3) compel the attendance of witnesses or the
17 production of documentary and other evidence.

18 (d) *ACTIONS BY THE COMMISSION.*—In any case in
19 which an action is instituted by or on behalf of the Commis-
20 sion for a violation of section 3, no State may, during the
21 pendency of that action, institute an action under sub-
22 section (a) against any defendant named in the complaint
23 in that action.

24 (e) *VENUE.*—Any action brought under subsection (a)
25 may be brought in the district court of the United States

1 *that meets applicable requirements relating to venue under*
2 *section 1391 of title 28, United States Code.*

3 (f) *SERVICE OF PROCESS.*—*In an action brought*
4 *under subsection (a), process may be served in any district*
5 *in which the defendant—*

6 (1) *is an inhabitant; or*

7 (2) *may be found.*

8 **SEC. 6. PROTECTION OF EDUCATIONAL INSTITUTION.**

9 (a) *NOTICE REQUIRED.*—*Within 72 hours after enter-*
10 *ing into an agency contract or before the next athletic event*
11 *in which the student athlete may participate, whichever oc-*
12 *curs first, the athlete agent and the student athlete shall*
13 *each inform the athletic director of the educational institu-*
14 *tion at which the student athlete is enrolled, or other indi-*
15 *vidual responsible for athletic programs at such educational*
16 *institution, that the student athlete has entered into an*
17 *agency contract, and the athlete agent shall provide the ath-*
18 *letic director with notice in writing of such a contract.*

19 (b) *CIVIL REMEDY.*—

20 (1) *IN GENERAL.*—*An educational institution*
21 *has a right of action against an athlete agent for*
22 *damages caused by a violation of this Act.*

23 (2) *DAMAGES.*—*Damages of an educational in-*
24 *stitution may include and are limited to actual losses*
25 *and expenses incurred because, as a result of the con-*

1 *duct of the athlete agent, the educational institution*
2 *was injured by a violation of this Act or was penal-*
3 *ized, disqualified, or suspended from participation in*
4 *athletics by a national association for the promotion*
5 *and regulation of athletics, by an athletic conference,*
6 *or by reasonable self-imposed disciplinary action*
7 *taken to mitigate actions likely to be imposed by such*
8 *an association or conference.*

9 *(3) COSTS AND ATTORNEYS FEES.—In an action*
10 *taken under this section, the court may award to the*
11 *prevailing party costs and reasonable attorneys fees.*

12 *(4) EFFECT ON OTHER RIGHTS, REMEDIES AND*
13 *DEFENSES.—This section does not restrict the rights,*
14 *remedies, or defenses of any person under law or eq-*
15 *uity.*

16 **SEC. 7. LIMITATION.**

17 *Nothing in this Act shall be construed to prohibit an*
18 *individual from seeking any remedies available under exist-*
19 *ing Federal or State law or equity.*

20 **SEC. 8. SENSE OF CONGRESS.**

21 *It is the sense of Congress that States should enact the*
22 *Uniform Athlete Agents Act of 2000 drafted by the National*
23 *Conference of Commissioners on Uniform State Laws, to*
24 *protect student athletes and the integrity of amateur sports*
25 *from unscrupulous sports agents. In particular, it is the*

1 *sense of Congress that States should enact the provisions*
2 *relating to the registration of sports agents, the required*
3 *form of contract, the right of the student athlete to cancel*
4 *an agency contract, the disclosure requirements relating to*
5 *record maintenance, reporting, renewal, notice, warning,*
6 *and security, and the provisions for reciprocity among the*
7 *States.*

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1ST SESSION

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JUNE 2, 2003

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