

AMENDMENT TO
RULES COMMITTEE PRINT 119-29
OFFERED BY MR. VEASEY OF TEXAS

Add at the end the following:

1 **SEC. 15. PRESERVATION OF STUDENT ATHLETE RIGHTS OF**
2 **ACTION.**

3 (a) PROHIBITION.—No institution, conference, or
4 interstate intercollegiate athletic association may, directly
5 or indirectly—

6 (1) require a student athlete or prospective stu-
7 dent athlete to waive, release, or otherwise relinquish
8 any right of action available to such student athlete
9 or prospective student athlete under any applicable
10 Federal or State law, whether by—

11 (A) a contract, agreement, or similar in-
12 strument, including any name, image, and like-
13 ness agreement, agency contract, enrollment
14 agreement, or athletic participation agreement;

15 (B) a mandatory arbitration clause or any
16 other provision requiring a student athlete or
17 prospective student athlete to resolve a claim
18 through a forum other than a court of com-
19 petent jurisdiction;

1 (C) any rule, bylaw, policy, standard, or
2 guideline of an institution, conference, or inter-
3 state intercollegiate athletic association; or

4 (D) any condition imposed on the receipt
5 or maintenance of a grant-in-aid, eligibility to
6 compete on a varsity sports team, access to ath-
7 letic facilities or services, or any other benefit
8 provided by an institution, conference, or inter-
9 state intercollegiate athletic association to a
10 student athlete or prospective student athlete;
11 or

12 (2) retaliate or threaten to retaliate against a
13 student athlete or prospective student athlete for as-
14 serting, or indicating an intention to assert, any
15 right of action described in paragraph (1).

16 (b) INVALIDITY OF PROHIBITED PROVISIONS.—Any
17 provision of a contract, agreement, rule, bylaw, policy,
18 standard, or guideline that violates subsection (a) shall be
19 void and unenforceable from its inception, without regard
20 to—

21 (1) whether such provision was entered into,
22 adopted, or imposed before or after the date of the
23 enactment of this Act; and

24 (2) whether such student athlete or prospective
25 student athlete was aware of the effect of such pro-

1 vision at the time it was entered into, adopted, or
2 imposed.

3 (c) RIGHT OF ACTION FOR VIOLATIONS.—

4 (1) IN GENERAL.—A student athlete or pro-
5 spective student athlete aggrieved by a violation of
6 subsection (a) may bring a civil action against the
7 institution, conference, or interstate intercollegiate
8 athletic association responsible for such violation in
9 an appropriate State court or an appropriate district
10 court of the United States.

11 (2) REMEDIES.—In a civil action brought under
12 paragraph (1) in which the court finds a violation of
13 subsection (a), the court may award—

14 (A) actual damages suffered by the student
15 athlete or prospective student athlete as a re-
16 sult of such violation, including any harm re-
17 sulting from the loss or impairment of a right
18 of action described in subsection (a)(1);

19 (B) injunctive or other equitable relief, in-
20 cluding an order voiding any provision described
21 in subsection (b) and restoring the student ath-
22 lete or prospective student athlete to the posi-
23 tion such individual occupied prior to the viola-
24 tion;

1 (C) reasonable attorney's fees and costs to
2 a prevailing plaintiff, calculated in accordance
3 with the standard set forth in *Hensley v.*
4 *Eckerhart* (461 U.S. 424 (1983)), and subject
5 to reduction by the court if the plaintiff pre-
6 vailed on only a portion of the claims brought;
7 and

8 (D) in the case of a violation under sub-
9 section (a)(2), such additional relief as the
10 court determines to be appropriate to remedy
11 any retaliation or threatened retaliation against
12 the student athlete or prospective student ath-
13 lete.

14 (d) RELATIONSHIP TO OTHER LAW.—Nothing in this
15 section may be construed to do the following:

16 (1) Limit or supersede any right or remedy
17 available to a student athlete or prospective student
18 athlete under any applicable Federal or State law.

19 (2) Require an institution, conference, or inter-
20 state intercollegiate athletic association to create or
21 provide any particular right of action not otherwise
22 established by applicable Federal or State law.

23 (3) Affect the authority of an interstate inter-
24 collegiate athletic association to establish or enforce
25 a dispute resolution process pursuant to section

1 7(a)(3) with respect to prohibited compensation and
2 any such process and any rule, bylaw, or condition
3 imposed in connection with such process may not be
4 applied to extinguish, suspend, or delay the right of
5 a student athlete or prospective student athlete to
6 bring a civil action under any applicable Federal or
7 State law with respect to any matter other than pro-
8 hibited compensation.

