

105TH CONGRESS
1ST SESSION

H. R. 2171

To prohibit athlete agents from soliciting representation of student athletes, and to establish requirements for contracts between athlete agents and student athletes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1997

Mr. DUNCAN introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit athlete agents from soliciting representation of student athletes, and to establish requirements for contracts between athlete agents and student athletes.

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 at the “Protection of Student
5 Athletes Act of 1997”.

6 **SEC. 2. PROHIBITION OF AGENT CONTACT.**

7 (a) IN GENERAL.—No athlete agent may initiate con-
8 tact with a student athlete who is subject to the rules and
9 regulations of the National Collegiate Athletic Association,

1 the National Association for Intercollegiate Athletics, or
 2 the National Junior College Athletic Association.

3 (b) PENALTIES.—

4 (1) FIRST OFFENSE.—In the case of a first vio-
 5 lation of subsection (a) by an athlete agent, the
 6 agent, upon conviction, shall be suspended from rep-
 7 resenting any student athlete who attends the college
 8 or university in which the student athlete who was
 9 the subject of agent-initiated contact is enrolled.

10 (2) SUBSEQUENT OFFENSE.—In the case of
 11 any violation of subsection (a) after the first viola-
 12 tion of such subsection by an athlete agent, the
 13 agent, upon conviction, shall be suspended from rep-
 14 resenting any student athlete, be guilty of a Class C
 15 felony, and be subject to a fine under title 18, Unit-
 16 ed States Code.

17 **SEC. 3. REQUIREMENTS FOR CONTRACT BETWEEN STU-**
 18 **DENT ATHLETE AND AGENT.**

19 A contract between an athlete agent and a student
 20 athlete must—

- 21 (1) be in writing;
- 22 (2) be signed by both the athlete agent and stu-
 23 dent athlete in the presence of a notary public;
- 24 (3) include the address of the athlete agent to
 25 which notices may be sent;

1 (4) indicate the fees and percentages the stu-
2 dent athlete will pay to the athlete agent; and

3 (5) contain the following paragraph (to be
4 signed and dated by the student athlete) advising
5 the student athlete of the possible effects of his sign-
6 ing the agency contract:

7 “WARNING TO THE STUDENT ATHLETE:
8 WHEN YOU SIGN THIS CONTRACT, YOU WILL
9 LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY
10 TO COMPETE IN INTERCOLLEGIATE ATHLET-
11 ICS. TO AVOID DISCIPLINARY PROCEEDINGS BY
12 YOUR COLLEGE OR UNIVERSITY, YOU MUST
13 GIVE WRITTEN NOTICE THAT YOU HAVE EN-
14 TERED INTO THIS CONTRACT TO THE ATH-
15 LETIC DIRECTOR OR PRESIDENT OF YOUR COL-
16 LEGE OR UNIVERSITY NOT LATER THAN 72
17 HOURS AFTER ENTERING INTO THIS CONTRACT
18 OR PRIOR TO PARTICIPATING IN INTERCOLLE-
19 GIATE ATHLETICS, WHICHEVER COMES FIRST.
20 FAILURE TO PROVIDE THIS NOTICE SUBJECTS
21 YOU TO DISCIPLINARY SANCTION BY YOUR COL-
22 LEGE OR UNIVERSITY. DO NOT SIGN THIS CON-
23 TRACT UNTIL YOU HAVE READ IT AND FILLED
24 IN ANY BLANK SPACES. YOU HAVE THE RIGHT
25 TO RESCIND THIS CONTRACT WITHIN 20 DAYS

1 OF (i) THE SIGNING OF THIS CONTRACT, (ii) NO-
 2 TICE OF THIS CONTRACT BEING RECEIVED BY
 3 THE CHIEF EXECUTIVE OFFICER OF YOUR COL-
 4 LEGE OR UNIVERSITY, OR (iii), IF NO NOTICE IS
 5 GIVEN TO YOUR COLLEGE OR UNIVERSITY,
 6 YOUR LAST INTERCOLLEGIATE GAME, WHICH-
 7 EVER OCCURS THE LATEST. HOWEVER, EVEN IF
 8 YOU CANCEL THIS CONTRACT, THE INTER-
 9 COLLEGIATE ATHLETIC ASSOCIATION OR CON-
 10 FERENCE TO WHICH YOUR COLLEGE OR UNI-
 11 VERSITY BELONGS MAY NOT RESTORE YOUR
 12 ELIGIBILITY TO PARTICIPATE IN INTERCOLLE-
 13 GIATE ATHLETICS. IF YOU SIGN THIS CON-
 14 TRACT PRIOR TO YOUR LAST INTERCOLLE-
 15 GIATE GAME AND DO NOT NOTIFY YOUR COL-
 16 LEGE OR UNIVERSITY OF THIS CONTRACT,
 17 YOUR TEAM MAY BE REQUIRED TO FORFEIT
 18 ALL GAMES IN WHICH YOU PARTICIPATE
 19 THEREAFTER, AND YOU MAY CAUSE YOUR
 20 TEAM TO BE INELIGIBLE FOR POSTSEASON
 21 GAMES.”

22 **SEC. 4. DEFINITIONS.**

23 For purposes of this Act:

24 (1) AGENT CONTRACT.—The term “agent con-
 25 tract” means a contract or agreement in which a

1 student athlete authorizes an athlete agent to rep-
2 resent him in the marketing of his athletic ability or
3 reputation in a sport.

4 (2) ATHLETE AGENT.—The term “athlete
5 agent” means a person who, directly or indirectly,
6 recruits or solicits a student athlete to enter into an
7 agent contract, or who for a fee procures, offers,
8 promises, or attempts to obtain employment for a
9 student athlete with a professional sports team or as
10 a professional athlete.

11 (3) STUDENT ATHLETE.—The term “student
12 athlete” means any athlete who is practices for or
13 otherwise participates in intercollegiate athletics at
14 any college or university.

15 (4) CONTACT.—The term “contact” means any
16 offer, inducement or agreement, communicated be-
17 tween an athlete agent and a student athlete for the
18 purpose of entering or soliciting entry into an agent
19 contract prior to the end of the student’s eligibility.

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