

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the provision relating to the relationship of this Act to existing law.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4668

To protect the name, image, and likeness rights of, and provide protections for, student athletes and to promote fair competition among intercollegiate athletics, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. BALDWIN to the amendment (No. 6776) proposed by Mr. CRUZ (for himself, Ms. CANTWELL, Mr. SCHMITT, and Mr. COONS)

Viz:

1 Strike section 121 and insert the following:

2 **SEC. 121. RELATIONSHIP TO EXISTING LAW.**

3 (a) IN GENERAL.—No State or political subdivision
4 of a State may adopt, maintain, enforce, or continue in
5 effect any law, regulation, rule, requirement, or standard
6 that—

7 (1) conflicts with any provision of this title that
8 would prevent compliance with this title; or

1 (2) governs, regulates, or invalidates policies or
2 rules of an institution, a conference, or an intercolle-
3 giate athletic association that regulates—

4 (A) the compensation to a student athlete
5 or prospective student athlete for the use of
6 their name, image, or likeness, except as nec-
7 essary to comply with this title;

8 (B) transfers of student athletes between
9 institutions; or

10 (C) any provision described in subsection
11 (a)(1)-(3) or (b) of section 113 relating to the
12 eligibility of a student athlete to participate in
13 intercollegiate athletics.

14 (b) PRESERVATION OF STATE LAWS.—The following
15 State laws, rules, regulations, or requirements, or common
16 law rights or remedies shall not be preempted, displaced,
17 or supplanted:

18 (1) Except to the extent that such law, rule,
19 regulation, requirement, or common law right or
20 remedy conflicts with subsection (a), the following:

21 (A) Uniform Athlete Agent Acts.

22 (B) Civil rights laws.

23 (C) Tort law, unless otherwise specified in
24 paragraph (2).

1 (D) Criminal law, unless otherwise speci-
2 fied in paragraph (2).

3 (E) Laws that relate to privacy or data
4 breach.

5 (F) Contract law.

6 (G) Trademark law.

7 (H) Copyright law.

8 (I) Consumer protection law, unless other-
9 wise specified in paragraph (2).

10 (2) Except to the extent that such law, rule,
11 regulation, or requirement, or common law right or
12 remedy conflicts with subsection (a)(2), any law,
13 rule, regulation, or requirement, or common law
14 right or remedy, whether statutory or common law,
15 that gives rise to a cause of action for the following:

16 (A) Personal injury, including psycho-
17 logical injury.

18 (B) Wrongful death.

19 (C) Property damage.

20 (D) Sexual assault.

21 (E) Harassment.

22 (F) Fraud.

23 (G) Injury resulting from abuse or hazing
24 of a student athlete, including physical or sex-
25 ual abuse.

1 (H) Injury resulting from deficient student
2 or campus safety measures.

3 (I) Injury resulting from a failure to pro-
4 vide greater protections to student athletes than
5 those provided by the health, wellness, and safe-
6 ty standards under subsections (a)(1)-(4) or
7 (b)(1)-(2) of section 107.

8 (J) Any related cause of action that is de-
9 rivative of any of subparagraphs (A) through
10 (I).

11 (c) RULE OF CONSTRUCTION.—To the extent liability
12 for violations of the antitrust laws is not limited by this
13 title, subsection (a) shall not be construed to preempt, dis-
14 place, or supplant the antitrust laws.