



June 12, 2024

Committee on Education and the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Foxx and Ranking Member Scott:

On behalf of the two million members of the Service Employees International Union (“SEIU”), I write in strong opposition to H.R. 8534, the “Protecting Student Athletes Economic Freedom Act.”¹ Far from “protecting” players in higher education, this bill strips players of all rights under any federal or state employment law or regulation. H.R. 8534 would set a dangerous and overbroad precedent in seeking to exclude a certain class of people from the protections of all employment laws, and the right to organize and collectively bargain. Congress should not be in the business of taking away individual or collective rights. **Accordingly, we urge you in the strongest possible terms to vote no on this bill.**

SEIU is proud to currently represent the players of the Dartmouth Men’s Basketball team, who voted to unionize in March 2024.² H.R. 8534 would take that choice away from them and nullify their election victory. The election followed a decision by a regional official of the National Labor Relations Board (“NLRB”) finding that the players are employees within the meaning of the National Labor Relations Act (“NLRA”).³ This decision is consistent with the NLRB General Counsel’s 2021 advice memo, determining that “certain Players at Academic Institutions . . . are employees under the [NLRA].”⁴ Where players choose to unionize and collectively bargain, they should be allowed to make that decision freely.

In addition to stripping players of their rights under the NLRA, H.R. 8534 seeks to strip players of any employment rights “*under any Federal or State law or regulation.*” This is grossly overbroad, clumsily constructed, and fails to take into account that our legal system has developed various tests in statute, regulation, and common law under myriad federal and state legal regimes to determine employee status. Instead of clarifying employment laws, this

¹ <https://www.congress.gov/118/bills/hr8534/BILLS-118hr8534ih.pdf>.

² <https://www.cbssports.com/college-basketball/news/dartmouth-mens-basketball-team-votes-to-unionize-in-historic-moment-for-college-sports/>.

³ <https://www.sportico.com/law/analysis/2024/dartmouth-mens-basketball-players-employees-nlr-1234765495/>.

⁴ <https://www.nlr.gov/news-outreach/news-story/nlr-general-counsel-jennifer-abruzzo-issues-memo-on-employee-status-of>.

APRIL VERRETT
International President

ROCIO SAÉNZ
International Secretary-Treasurer

NEAL BISNO
Executive Vice President

JOSEPH BRYANT
Executive Vice President

HEATHER CONROY
Executive Vice President

LESLIE FRANE
Executive Vice President

SERVICE EMPLOYEES
INTERNATIONAL UNION
SOC, CLC

1800 Massachusetts Ave., NW
Washington, DC 20036

202.730.7000

www.SEIU.org



legislation uses a sledgehammer to demolish the legal rights of the players it purports to protect – with a “solution” that leaves players completely unprotected.

Across the country, workers are rising. They are joining together in unions and demanding better pay and conditions. They won't be stopped by unionbusting employers, and they won't be fooled by legislation that claims to “protect” them by eliminating their rights.

SEIU again urges all members of the Education and Workforce Committee to vote no on H.R. 8534. If you have any questions, please contact Sarah Heydemann, Sarah.Heydemann@seiu.org.

Sincerely

John Gray
Director, Legislation