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To: [McDermott, Kevin](#)
Cc: julia.duncan@justice.org
Subject: Oppose HR 8534, the Protecting Student Athlete's Economic Freedom Act
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Hi Kevin,

I am writing on behalf of the American Association for Justice (AAJ) regarding a markup in the House Education and the Workforce Committee that includes H.R. 8534, the Protecting Student Athlete's Economic Freedom Act, introduced by Rep. Good. AAJ strongly **opposes** this legislation.

In reality, this legislation does nothing to protect student athlete economic freedom. In fact, it does just the opposite. The bill completely prohibits student athletes from being considered an employee of any institution, conference or association. This means the Fair Labor Standards Act, guaranteeing minimum wage and overtime pay, as well as basic workplace safety laws and protections would not be applicable to student athletes.

In the 2021 case *National Collegiate Athletic Association v. Alston*, the Supreme Court unanimously upheld the 9th Circuit's ruling that the National Collegiate Athletic Association's (NCAA) restrictions on "education-related benefits" for college athletes violated antitrust law. Following this landmark decision, the NCAA lifted its longstanding prohibition on college athletes being able to monetize name, image, and likeness (NIL) rights, allowing them to finally receive the fair and equitable compensation they were denied for decades.

The NCAA should not be enriched at the expense of student athlete rights, including wage protections offered by state and federal laws. NCAA conferences and schools should not be prohibited from paying athletes directly for use of their NIL in broadcasts, apparel sales, and similar activities that generate billions of dollars of annual NCAA revenue while leaving student athletes with nothing. Federal frameworks cannot preempt less restrictive state laws that provide greater freedoms for college athletes to benefit from their own NIL. Student athletes should also be allowed to enter into NIL agreements with NCAA member schools that allow revenue sharing and there should be no restrictions on the amount of time a college athlete chooses to devote on his or her NIL endeavors.

As Supreme Court Justice Kavanaugh observed in *NCAA v. Alston*: "Nowhere else in America can businesses get away with agreeing not to pay their workers a fair market rate on the theory that their product is defined by not paying their workers a fair market rate. And under ordinary principles of antitrust law, it is not evident why college sports should be any different. The NCAA is not above the law."

Again, AAJ urges your boss to oppose H.R. 8534, the Protecting Student Athlete's Economic Freedom Act. Please feel free to reach out me with any questions you may have.

Thanks in advance,

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