

**AMENDMENT TO THE AMENDMENT IN THE NATURE  
OF A SUBSTITUTE TO H.R. 4312  
OFFERED BY MR. CARTER OF LOUISIANA**

Page 17, strike lines 7 through 21.

Page 19, strike line 24 and all that follows through  
page 20, line 14.

Add at the end the following:

**1 SEC. 12. ENFORCEMENT.**

2 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
3 SION.—

4 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
5 TICES.—A violation of this Act, and any amendment  
6 made by this Act, shall be treated as a violation of  
7 a regulation under section 18(a)(1)(B) of the Fed-  
8 eral Trade Commission Act (15 U.S.C.  
9 57a(a)(1)(B)) regarding unfair or deceptive acts or  
10 practices.

11 (2) POWERS OF COMMISSION.—The Commis-  
12 sion shall enforce this Act, and any amendment  
13 made by this Act, in the same manner, by the same  
14 means, and with the same jurisdiction, powers, and  
15 duties as though all applicable terms and provisions

1 of the Federal Trade Commission Act (15 U.S.C. 41  
2 et seq.) were incorporated into and made a part of  
3 this Act, and any person who violates this Act, and  
4 any amendment made by this Act, shall be subject  
5 to the penalties and entitled to the privileges and  
6 immunities provided in the Federal Trade Commis-  
7 sion Act.

8 (3) APPLICABILITY TO INTERSTATE INTER-  
9 COLLEGIATE ATHLETIC ASSOCIATIONS, CON-  
10 FERENCES, AND INSTITUTIONS.—Notwithstanding  
11 section 4, 5(a)(2), or 6 of the Federal Trade Com-  
12 mission Act (15 U.S.C. 44, 45(a)(2), 46) or any ju-  
13 risdictional limitation of the Commission, the Com-  
14 mission shall also enforce this Act in the same man-  
15 ner provided in paragraphs (1) and (2), with respect  
16 to interstate intercollegiate athletic associations, con-  
17 ferences, and institutions.

18 (4) RULE OF CONSTRUCTION.—Nothing in this  
19 section may be construed to limit the authority of  
20 the Commission under any other provision of law.

21 (b) ACTIONS BY STATES.—

22 (1) IN GENERAL.—In any case in which the at-  
23 torney general of a State, or an official or agency of  
24 a State, has reason to believe that an interest of the  
25 student athletes of such State has been or is threat-

1        ened or adversely affected by an act or practice in  
2        violation of this Act, the State, as *parens patriae*,  
3        may bring a civil action on behalf of the student ath-  
4        letes enrolled at an institution of the State in an ap-  
5        propriate district court of the United States to ob-  
6        tain appropriate relief.

7            (2) NOTICE.—Before filing an action under this  
8        subsection, the attorney general, official, or agency  
9        of the State involved shall provide to the Commis-  
10       sion a written notice of such action and a copy of  
11       the complaint for such action. If the attorney gen-  
12       eral, official, or agency determines that it is not fea-  
13       sible to provide the notice described in this para-  
14       graph before the filing of the action, the attorney  
15       general, official, or agency shall provide written no-  
16       tice of the action and a copy of the complaint to the  
17       Commission immediately upon the filing of the ac-  
18       tion.

19            (3) AUTHORITY OF FEDERAL TRADE COMMIS-  
20       SION.—

21            (A) IN GENERAL.—On receiving notice  
22        under paragraph (2) of an action under this  
23        subsection, the Commission shall have the  
24        right—

25            (i) to intervene in the action;

- 1 (ii) upon so intervening, to be heard  
2 on all matters arising therein; and  
3 (iii) to file petitions for appeal.

4 (B) LIMITATION ON STATE ACTION WHILE  
5 FEDERAL ACTION IS PENDING.—If the Commis-  
6 sion or the Attorney General of the United  
7 States has instituted a civil action for violation  
8 of this section (referred to in this subparagraph  
9 as the “Federal action”), no State attorney  
10 general, official, or agency may bring an action  
11 under this subsection during the pendency of  
12 the Federal action against any defendant  
13 named in the complaint in the Federal action  
14 for any violation of this section alleged in such  
15 complaint.

16 (4) RULE OF CONSTRUCTION.—For purposes of  
17 bringing a civil action under this subsection:

18 (A) IN GENERAL.—Nothing in this section  
19 may be construed to prevent an attorney gen-  
20 eral, official, or agency of a State from exer-  
21 cising the powers conferred on the attorney  
22 general, official, or agency by the laws of such  
23 State to conduct investigations, administer  
24 oaths and affirmations, or compel the attend-

1           ance of witnesses or the production of documen-  
2           tary and other evidence.

3           (B) DEFINITIONS.—The term “student  
4           athlete” refers to a student athlete enrolled at  
5           an institution primarily operating in such State.

