

threatened or adversely affected by the engagement of any athlete agent in a practice that violates section 7802 of this title, the State may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

- (A) enjoin that practice;
- (B) enforce compliance with this chapter;

or

- (C) obtain damage, restitution, or other compensation on behalf of residents of the State.

(2) Notice

(A) In general

Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

- (i) written notice of that action; and
- (ii) a copy of the complaint for that action.

(B) Exemption

Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) Intervention

(1) In general

On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) Effect of intervention

If the Commission intervenes in an action under subsection (a), it shall have the right—

- (A) to be heard with respect to any matter that arises in that action; and
- (B) to file a petition for appeal.

(c) Construction

For purposes of bringing any civil action under subsection (a), nothing in this chapter¹ shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

- (1) conduct investigations;
- (2) administer oaths or affirmations; or
- (3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) Actions by the Commission

In any case in which an action is instituted by or on behalf of the Commission for a violation of section 7802 of this title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action.

(e) Venue

Any action brought under subsection (a) may be brought in the district court of the United

States that meets applicable requirements relating to venue under section 1391 of title 28.

(f) Service of process

In an action brought under subsection (a), process may be served in any district in which the defendant—

- (1) is an inhabitant; or
- (2) may be found.

(Pub. L. 108-304, §5, Sept. 24, 2004, 118 Stat. 1127.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this title” and was translated as reading “this Act”, meaning Pub. L. 108-304, to reflect the probable intent of Congress, because Pub. L. 108-304 does not contain titles.

§ 7805. Protection of educational institution

(a) Notice required

Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the athlete agent and the student athlete shall each inform the athletic director of the educational institution at which the student athlete is enrolled, or other individual responsible for athletic programs at such educational institution, that the student athlete has entered into an agency contract, and the athlete agent shall provide the athletic director with notice in writing of such a contract.

(b) Civil remedy

(1) In general

An educational institution has a right of action against an athlete agent for damages caused by a violation of this chapter.

(2) Damages

Damages of an educational institution may include and are limited to actual losses and expenses incurred because, as a result of the conduct of the athlete agent, the educational institution was injured by a violation of this chapter or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate actions likely to be imposed by such an association or conference.

(3) Costs and attorneys fees

In an action taken under this section, the court may award to the prevailing party costs and reasonable attorneys fees.

(4) Effect on other rights, remedies and defenses

This section does not restrict the rights, remedies, or defenses of any person under law or equity.

(Pub. L. 108-304, §6, Sept. 24, 2004, 118 Stat. 1128.)

§ 7806. Limitation

Nothing in this chapter shall be construed to prohibit an individual from seeking any remedies available under existing Federal or State law or equity.

(Pub. L. 108-304, §7, Sept. 24, 2004, 118 Stat. 1128.)

¹ See References in Text note below.