

113TH CONGRESS
1ST SESSION

H. R. 3545

To protect the academic futures of collegiate student athletes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2013

Mr. CÁRDENAS (for himself, Mr. CUMMINGS, Mr. RANGEL, Mr. RYAN of Ohio, Mr. HUFFMAN, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To protect the academic futures of collegiate student athletes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; SENSE OF CONGRESS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Collegiate Student Athlete Protection Act”.

6 (b) **FINDINGS.**—Congress finds as follows:

7 (1) Institutions of higher education that have
8 athletic programs that offer athletically related stu-
9 dent aid collectively generate billions of dollars annu-
10 ally from contracts for media rights, and the revenue

1 from such contracts would not exist without the ef-
2 forts of student athletes.

3 (2) Providing adequate health and safety pro-
4 tection for student athletes can help prevent serious
5 injury and death.

6 (3) Current and former student athletes are
7 often left to pay for medical expenses incurred from
8 injuries suffered while participating in intercollegiate
9 athletics.

10 (c) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) institutions of higher education exist to fur-
13 ther educate, and to provide an opportunity to ac-
14 quire a degree to, all students who attend such insti-
15 tutions;

16 (2) institutions of higher education should en-
17 sure that a sports-related injury does not hinder the
18 opportunity of a student athlete to graduate from
19 the institution of higher education the student ath-
20 lete attends at the time of such injury;

21 (3) institutions of higher education should make
22 graduation of all student athletes a priority, regard-
23 less of the on-field performance of the student ath-
24 letes;

1 (4) institutions of higher education should pro-
2 vide student athletes with the same due process pro-
3 tections afforded to students who do not participate
4 in athletics;

5 (5) acknowledging the bodily risks taken by the
6 student athletes, institutions of higher education
7 should ensure that student athletes who otherwise
8 could not afford proper health insurance are pro-
9 vided such insurance to pay for sports-related inju-
10 ries; and

11 (6) due to the record level of revenues that ath-
12 letic programs provide for institutions of higher edu-
13 cation, such institutions have the responsibility to
14 provide student athletes with the highest level of
15 education, and to provide effective efforts to ensure
16 that student athletes attain higher education degrees
17 from such institutions.

18 **SEC. 2. PROGRAM PARTICIPATION AGREEMENTS.**

19 (a) NEW REQUIREMENT FOR PROGRAMS OF ASSIST-
20 ANCE.—Section 487(a) of the Higher Education Act of
21 1965 (20 U.S.C. 1094(a)) is amended by adding at the
22 end the following:

23 “(30)(A) In the case of an institution that has
24 an athletic program and that annually receives
25 \$10,000,000 or more in income derived from media

1 rights (as calculated in accordance with subpara-
2 graph (B)) for the athletic program of the institu-
3 tion, the institution will comply with the require-
4 ments under subsection (k).

5 “(B) For the purposes of this paragraph, an in-
6 stitution of higher education shall calculate the total
7 amount of income the institution derives annually
8 from media rights by adding—

9 “(i) annual income derived from any con-
10 tract for media rights signed with any media
11 entity by the institution, determined by aver-
12 aging the income derived from the contract an-
13 nually over the lifetime of the contract;

14 “(ii) disbursements to the institution as a
15 member institution of an athletic conference,
16 representing member shares of the media rights
17 of such conference; and

18 “(iii) disbursements to the institution as a
19 participant in an event that is hosted by an en-
20 tity that—

21 “(I) hosts intercollegiate sporting
22 events; and

23 “(II) sells broadcast or media access
24 to that event.”.

1 (b) ATHLETIC PROGRAM REQUIREMENTS.—Section
2 487 of the Higher Education Act of 1965 (20 U.S.C.
3 1094) is amended by adding at the end the following:

4 “(k) ATHLETIC PROGRAM REQUIREMENTS.—

5 “(1) DEFINITIONS.—For the purposes of this
6 subsection and subsection (a)(30), the following defi-
7 nitions shall apply:

8 “(A) ATHLETIC ASSOCIATION.—The term
9 ‘athletic association’ means an organization
10 that is not an institution of higher education
11 and—

12 “(i) that is responsible for governing
13 athletic programs at multiple institutions
14 of higher education; or

15 “(ii) the primary purpose of which is
16 to host intercollegiate sporting events and
17 sell broadcast or media access to such
18 events.

19 “(B) ATHLETIC PROGRAM.—The term
20 ‘athletic program’ means an intercollegiate ath-
21 letic program of an institution of higher edu-
22 cation.

23 “(C) ATHLETICALLY RELATED STUDENT
24 AID.—The term ‘athletically related student aid’

1 shall have the meaning given such term in sec-
2 tion 485(e).

3 “(D) GRADUATION SUCCESS RATE.—The
4 term ‘graduation success rate’—

5 “(i) means the percentage of student
6 athletes who graduate from an institution
7 of higher education not later than 6 years
8 after initial enrollment at such institution,
9 including students who transfer to such in-
10 stitution from another institution, but ex-
11 cluding students who transfer out of such
12 institution who are in good academic
13 standing and, in accordance with the rules
14 of the athletic association governing such
15 athletic program, have not exhausted their
16 eligibility to participate in such program;
17 and

18 “(ii) shall be calculated using the data
19 available for the 4 most recent academic
20 years in the exact manner as the rate is
21 calculated under the rules of the National
22 Collegiate Athletic Association on the date
23 of enactment of the Collegiate Student
24 Athlete Protection Act.

1 “(E) HEALTH CARE PROFESSIONAL.—The
2 term ‘health care professional’ means—

3 “(i) a physician (including a medical
4 doctor or doctor of osteopathic medicine);
5 or

6 “(ii) an athletic trainer—

7 “(I) who is registered, licensed,
8 certified, or otherwise statutorily rec-
9 ognized by the State to provide treat-
10 ment; and

11 “(II) whose scope of practice and
12 experience includes the diagnosis and
13 management of traumatic brain in-
14 jury.

15 “(F) INSTITUTION OF HIGHER EDU-
16 CATION.—The term ‘institution of higher edu-
17 cation’ has the meaning given the term in sec-
18 tion 102.

19 “(G) MEDIA RIGHTS.—The term ‘media
20 rights’ means contractual rights granted by an
21 institution of higher education or an athletic as-
22 sociation to a television network, in exchange
23 for monetary payments to the institution or as-
24 sociation, to provide media coverage of the in-
25 stitution’s athletic program.

1 “(H) STUDENT ATHLETE.—The term ‘stu-
2 dent athlete’ means a student enrolled at an in-
3 stitution of higher education who participates in
4 an athletic program.

5 “(2) REQUIREMENTS.—To comply with this
6 subsection for the purposes of subsection (a)(30), an
7 athletic program of an institution of higher edu-
8 cation described in subsection (a)(30) shall meet the
9 following requirements:

10 “(A) COMPLETION OF ACADEMIC PROGRAM
11 AFTER LOSS OF ATHLETIC SCHOLARSHIP.—

12 “(i) LOSS DUE TO INJURY.—

13 “(I) IN GENERAL.—Each student
14 athlete who has received or contracted
15 to receive athletically related student
16 aid from an institution of higher edu-
17 cation for participation in an athletic
18 program and who subsequently be-
19 comes ineligible for such aid for all or
20 part of an academic year due to an in-
21 jury or illness resulting from the ath-
22 lete’s participation in the athletic pro-
23 gram shall, upon a determination by a
24 physician selected by the institution
25 and a physician that is not affiliated

1 with any institution, that the student
2 athlete is medically ineligible to par-
3 ticipate in such program, be provided
4 with institutional student aid for the
5 period described in subclause (II) in
6 an amount equivalent to the amount
7 the student would have received in
8 athletically related student aid for
9 such academic year (or part thereof)
10 if the student had not suffered such
11 injury or illness. The student shall
12 also receive continued academic sup-
13 ports, including tutoring, at the same
14 level received prior to being deemed
15 medically ineligible, for the entire pe-
16 riod that the student receives institu-
17 tional student aid.

18 “(II) PERIOD OF AID.—The in-
19 stitution of higher education shall pro-
20 vide institutional student aid required
21 under subclause (I) for a period that,
22 combined with the total duration of
23 time the student previously received
24 athletically related student aid, is
25 equal to 5 academic years, or until the

1 student athlete completes the athlete's
2 undergraduate degree, whichever time
3 period is shorter. The institution may,
4 at its discretion, provide institutional
5 student aid for an additional period.

6 “(III) LEAVE OF ABSENCE.—In
7 the case of a student athlete who
8 takes a leave of absence from an insti-
9 tution of higher education due to an
10 injury or illness resulting from the
11 athlete's participation in an athletic
12 program, the duration of such leave of
13 absence shall not be counted as part
14 of the period of required institutional
15 student aid due to the student under
16 subclause (II).

17 “(ii) LOSS DUE TO EXHAUSTED ELIGI-
18 BILITY.—

19 “(I) IN GENERAL.—Except as
20 provided in subclause (III), each stu-
21 dent athlete who has received athlet-
22 ically related student aid from an in-
23 stitution of higher education for par-
24 ticipation in an athletic program, and
25 who is maintaining academic standing

1 consistent with the requirements for
2 graduation, but who, in accordance
3 with the rules of the athletic associa-
4 tion governing such athletic program,
5 has exhausted the athlete's athletic
6 eligibility to participate in such pro-
7 gram before the student has com-
8 pleted an undergraduate degree shall
9 be provided with institutional student
10 aid for the period described in sub-
11 clause (II) in an amount equivalent to
12 the amount the student would have
13 received in athletically related student
14 aid if the student's athletic eligibility
15 were not exhausted.

16 “(II) PERIOD OF AID.—The in-
17 stitution shall provide institutional
18 student aid required under subclause
19 (I) for a period of 1 year, or until the
20 student athlete completes an under-
21 graduate degree, whichever time pe-
22 riod is shorter.

23 “(III) EXCEPTION.—An institu-
24 tion of higher education shall not be
25 required to provide institutional stu-

1 dent aid to a student athlete in ac-
2 cordance with subclause (I) if such
3 student athlete received athletically
4 related student aid from the institu-
5 tion for participation in a team sport
6 with a graduation success rate for
7 such team that is 70 percent or high-
8 er.

9 “(iii) INVOLUNTARY LOSS FOR ANY
10 REASON OTHER THAN FOR CAUSE.—

11 “(I) IN GENERAL.—A student
12 athlete who has received athletically
13 related student aid from an institution
14 of higher education for participation
15 in an athletic program and who is
16 maintaining academic standing con-
17 sistent with the requirements for
18 graduation, but who will not receive
19 such aid for all or part of an academic
20 year because the student was involun-
21 tarily dismissed from participation in
22 such athletic program shall be pro-
23 vided with institutional student aid in
24 an amount equivalent to the amount
25 the student would have received in

1 athletically related student aid for
2 such academic year (or part thereof)
3 if the student had not been dismissed.

4 “(II) PERIOD OF AID.—The in-
5 stitution shall provide institutional
6 student aid required under subclause
7 (I) for a period that, combined with
8 the total duration of time the student
9 previously received athletically related
10 student aid, is equal to 5 academic
11 years, or until the student athlete
12 completes the athlete’s undergraduate
13 degree, whichever is time period short-
14 er. The institution may, at its discre-
15 tion, provide institutional student aid
16 for an additional period.

17 “(iv) LOSS FOR CAUSE.—

18 “(I) IN GENERAL.—Notwith-
19 standing clauses (i) through (iii), a
20 student athlete who has received ath-
21 letically related student aid from an
22 institution of higher education for
23 participation in an athletic program
24 shall not be eligible for institutional
25 student aid required under this para-

1 graph if the student is dismissed from
2 participation in such program or oth-
3 erwise denied such aid for cause, ex-
4 cept that a student athlete may ap-
5 peal the loss of athletically related
6 student aid to the institution or an
7 athletic association of which the insti-
8 tution is a member, as appropriate.

9 “(II) FOR CAUSE.—In this
10 clause, the term ‘for cause’ means
11 that the student was found by the in-
12 stitution of higher education to have
13 violated academic or disciplinary
14 standards of the institution.

15 “(B) MANDATORY WORKSHOP.—At the be-
16 ginning of each academic year, each first-year
17 and third-year student athlete shall be required
18 to attend and complete an ‘Athletics Participa-
19 tion Readiness’ workshop conducted by the in-
20 stitution of higher education. Such workshop
21 shall include—

22 “(i) information about the long-term
23 dangers of concussions and head injuries
24 that shall be administered by a health care
25 professional and include recent data from

1 the Centers for Disease Control and Pre-
2 vention;

3 “(ii) information concerning financial
4 aid and debt management;

5 “(iii) a recommended budget for stu-
6 dent athletes for the academic year, based
7 on the institution’s cost of attendance for
8 such academic year, that accounts for
9 whether the student athlete receives athlet-
10 ically related student aid that covers all or
11 part of such cost, and whether the student
12 lives on or off campus;

13 “(iv) information on time manage-
14 ment skills necessary for success as a stu-
15 dent athlete;

16 “(v) academic resources available on
17 campus, including tutoring, career develop-
18 ment, and career search resources; and

19 “(vi) an explanation of the institu-
20 tion’s responsibilities and obligations to the
21 student athletes with respect to scholarship
22 renewal, medical insurance, and medical
23 payments for injury and illness resulting
24 from participation in an athletic program.

1 “(C) DISCIPLINARY ACTIONS.—A student
2 athlete who faces loss or reduction of athlet-
3 ically related student aid for a violation of a
4 disciplinary standard of the institution of high-
5 er education shall be provided the opportunity
6 for a formal administrative hearing, not less
7 than 1 appeal, and any other due process proce-
8 dure the Secretary determines by regulation to
9 be necessary.

10 “(D) TRANSFER REQUESTS.—Each re-
11 quest by a student athlete submitted to the in-
12 stitution of higher education for a transfer to
13 another institution of higher education shall be
14 granted or denied by the institution at which
15 the student is enrolled not later than 7 business
16 days after the date on which such request is
17 submitted to such institution.

18 “(E) HEALTH CARE COSTS.—

19 “(i) PELL ELIGIBLE STUDENTS.—Ex-
20 cept as provided in clause (iv), each stu-
21 dent athlete who is eligible to receive a
22 Federal Pell Grant under subpart 1 of part
23 A, shall be provided with institutional aid,
24 paid to the student directly or to the in-

1 surer of such student on the student's be-
2 half, in an amount sufficient to cover—

3 “(I) during the period of the stu-
4 dent's participation in an athletic pro-
5 gram of the institution—

6 “(aa) the premium applica-
7 ble to the insurance plan in
8 which the student is enrolled;

9 “(bb) any deductible appli-
10 cable to such plan; and

11 “(cc) any other cost-sharing
12 or other out-of-pocket expenses of
13 the student with respect to such
14 plan, including co-payments; and

15 “(II) in the case in which the
16 student suffers an injury or illness re-
17 sulting from the student's partici-
18 pation in an athletic program of the in-
19 stitution—

20 “(aa) the health insurance
21 costs described in items (aa)
22 through (cc) of subclause (I) dur-
23 ing the period of the student's
24 participation in an athletic pro-
25 gram of the institution; and

1 “(bb) the costs described in
2 subclauses (I) through (III) of
3 clause (ii) for the duration de-
4 scribed in clause (iii).

5 “(ii) INJURY-RELATED COSTS.—Ex-
6 cept as provided in clause (iv), each stu-
7 dent athlete who suffers an injury or ill-
8 ness resulting from the student’s partici-
9 pation in an athletic program of the institu-
10 tion shall be provided with institutional
11 aid, paid to the student directly or to the
12 insurer of such student on the student’s
13 behalf, in an amount sufficient to cover—

14 “(I) the premium applicable to
15 the insurance plan in which the stu-
16 dent is enrolled;

17 “(II) any deductible applicable to
18 such plan; and

19 “(III) for a period of not less
20 than 2 years after the student ath-
21 lete’s graduation or separation from
22 the institution—

23 “(aa) any other cost-sharing
24 expenses of the student with re-

1 spect to such plan, including co-
2 payments; and

3 “(bb) any out-of-pocket ex-
4 penses of the student with re-
5 spect to such injury or illness.

6 “(iii) DURATION OF AID.—An institu-
7 tion shall provide a student athlete with
8 the institutional aid required under clause
9 (ii)—

10 “(I) until the student’s injury or
11 illness has been resolved and the stu-
12 dent has been cleared by a physician
13 to resume participation in an athletic
14 program; or

15 “(II) in the case of a student
16 who is suffering from an injury or ill-
17 ness that requires ongoing medical
18 treatment, for a period of not less
19 than 2 years after the student ath-
20 lete’s graduation or separation from
21 the institution.

22 “(iv) PREEXISTING CONDITIONS.—An
23 institution shall not be required to provide
24 institutional aid to a student athlete under
25 clause (i) or (ii) for any preexisting med-

1 ical condition that predates the student
2 athlete’s participation in the athletic pro-
3 gram.

4 “(F) EMERGENCY ACTION PLANS AND
5 WRITTEN POLICIES.—The institution shall
6 have—

7 “(i) venue-specific Emergency Action
8 Plans that are coordinated by the institu-
9 tion’s health care professional or sports
10 medicine staff and regularly rehearsed with
11 local emergency personnel to prevent, as-
12 sess, and treat sports-related injuries; and

13 “(ii) written policies and guidelines re-
14 lated to exercise for and supervision of any
15 student athlete identified before or during
16 participation in an athletic program of the
17 institution to have a medical condition that
18 is potentially life-threatening and that
19 could be affected by the student athlete’s
20 participation in such program.

21 “(G) SPORTS-RELATED CONCUSSIONS.—
22 The institution shall provide annual baseline
23 concussion testing of each student athlete on
24 the active roster of each team participating in
25 a contact or collision sport or a limited-contact

1 or impact sport (based on the most recent clas-
2 sification of sports published by the Committee
3 on Sports Medicine of the American Academy
4 of Pediatrics) that is administered by health
5 care professionals employed by the institution
6 before such student athlete may participate in
7 any contact drills or activities.

8 “(H) COMPLIANCE COSTS.—Costs to the
9 institution resulting from compliance with this
10 paragraph shall be paid exclusively from institu-
11 tional revenue derived from income described in
12 subsection (a)(30)(B).”.

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