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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

# H. R.

To protect the academic futures of collegiate student athletes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CÁRDENAS introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# 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-

1 ally from contracts for media rights, and the revenue  
2 from such contracts would not exist without the ef-  
3 forts of student athletes.

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

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

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

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

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

22 (3) institutions of higher education should make  
23 graduation of all student athletes a priority, regard-  
24 less of the on-field performance of the student ath-  
25 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 participa-  
18 tion 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).”.