

116TH CONGRESS  
1ST SESSION

# H. R. 4145

To establish a commission to prevent exertional heat stroke deaths among high school and collegiate athletes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2019

Mr. SMITH of New Jersey (for himself and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a commission to prevent exertional heat stroke deaths among high school and collegiate athletes, and for other purposes.

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.**

4 This Act may be cited as the “Braeden’s Commission:  
5 Protect our Athletes from Exertional Heat Stroke”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Deaths from exertional heat stroke are pre-  
2           ventable.

3           (2) Exertional heat stroke is one of the leading  
4           noncontact causes of death of young athletes.

5           (3) According to the 2018 National Center for  
6           Catastrophic Sport Injury Research’s annual survey  
7           of football injuries, since 1995, there have been 64  
8           exertional heat stroke deaths in the sport of football  
9           alone, and 60 of these occurred at the high school  
10          and collegiate levels.

11          (4) Protective measures such as proper hydra-  
12          tion, acclimatization prior to intense physical activ-  
13          ity, and rapid recognition, rapid assessment, rapid  
14          treatment, and rapid advanced care can prevent  
15          exertional heat stroke deaths or hospitalizations pro-  
16          vided that the protective measures are implemented  
17          immediately when warranted.

18 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

19          (a) ESTABLISHMENT.—There is established the Com-  
20          mission to Prevent Heat Stroke Deaths (in this Act re-  
21          ferred to as “Braeden’s Commission”).

22          (b) FACA.—Braeden’s Commission shall be subject  
23          to the Federal Advisory Committee Act (5 U.S.C. App.),  
24          except as inconsistent with this Act.

1 **SEC. 4. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—Braeden’s Com-  
3 mission shall be composed of 12 members, consisting of—

4 (1) 6 members appointed by the President;

5 (2) 2 members appointed by the Speaker of the  
6 House of Representatives;

7 (3) 1 member appointed by the minority leader  
8 of the House of Representatives;

9 (4) 2 members appointed by the majority leader  
10 of the Senate; and

11 (5) 1 member appointed by the minority leader  
12 of the Senate.

13 (b) QUALIFICATIONS.—Each member appointed pur-  
14 suant to subsection (a) shall have experience in one or  
15 more of the following areas:

16 (1) Sports medicine.

17 (2) Exertional heat stroke prevention.

18 (3) Student athlete health research.

19 (4) Legislation, including legislation involving  
20 sports medicine.

21 (5) Emergency medicine.

22 (6) Pediatrics.

23 (7) Psychology and mental health.

24 (8) Forensic pathology or medical investigation  
25 involving injury or fatality.

1           (9) Professional experience at an institution of  
2           higher education (as defined in section 101(a) of the  
3           Higher Education Act of 1965 (20 U.S.C. 1001(a)),  
4           with a focus on one or more of the other areas listed  
5           in this subsection.

6           (c) DIVERSITY OF QUALIFICATIONS.—In making ap-  
7           pointments to Braeden’s Commission under subsection  
8           (a), the President and the congressional leaders specified  
9           in subsection (a) shall strive to select individuals whose  
10          qualifications (as described under subsection (b)) are not  
11          already represented by other members of Braeden’s Com-  
12          mission.

13          (d) APPOINTMENTS.—The appointments of the mem-  
14          bers of Braeden’s Commission shall be made not later  
15          than 90 days after the date of enactment of this Act.

16          (e) PERIOD OF APPOINTMENTS; VACANCIES.—Each  
17          member shall be appointed for the life of Braeden’s Com-  
18          mission. Any vacancy in Braeden’s Commission shall not  
19          affect its powers and shall be filled in the same manner  
20          as the original appointment.

21          (f) CHAIRPERSON.—The President shall select a  
22          Chairperson for Braeden’s Commission from among its  
23          members.

1 **SEC. 5. MEETINGS.**

2 (a) INITIAL MEETING.—Not later than 60 days after  
3 the date on which a majority of the members of Braeden’s  
4 Commission have been appointed, Braeden’s Commission  
5 shall hold its first meeting.

6 (b) TIMING.—Braeden’s Commission shall meet at  
7 the call of the Chairperson.

8 (c) QUORUM.—A majority of the members of  
9 Braeden’s Commission shall constitute a quorum.

10 **SEC. 6. STUDY.**

11 (a) IN GENERAL.—Braeden’s Commission shall con-  
12 duct a study on exertional heat stroke among student ath-  
13 letes at educational institutions across the United States.

14 (b) MATTERS TO BE STUDIED.—In conducting the  
15 study under subsection (a), Braeden’s Commission shall  
16 study—

17 (1) best practices for prevention, recognition,  
18 and treatment of exertional heat stroke, as regarded  
19 by leading experts in sports medicine and as detailed  
20 in the 2015 National Athletic Trainers’ Association  
21 Position Statement on Exertional Heat Illness;

22 (2) educational institution standards for pre-  
23 vention, recognition, and treatment of exertional  
24 heat stroke and related illnesses;

1           (3) whether athletic trainers and coaches have  
2           been properly trained to recognize and treat cases of  
3           exertional heat stroke;

4           (4) cases involving student athlete deaths and  
5           hospitalizations due to exertional heat stroke, includ-  
6           ing whether best practices were followed in such  
7           cases by the educational institution involved;

8           (5) which organizations currently oversee the  
9           implementation of best practices on exertional heat  
10          stroke at educational institutions;

11          (6) emergency action plans in place at edu-  
12          cational institutions and whether such action plans  
13          are up-to-date or developed in consultation with local  
14          emergency medical staff;

15          (7) the scope of all incidents of exertional heat  
16          stroke among student athletes, including deter-  
17          mining which educational institutions are following  
18          best practices where such incidents occurred;

19          (8) the effectiveness of Federal, State, and local  
20          policies and systems aimed at collecting accurate  
21          data on exertional heat stroke fatalities, including  
22          the identification of the most effective and least ef-  
23          fective policies and systems;

1           (9) current barriers to preventing fatalities  
2 from exertional heat stroke and methods to over-  
3 come such barriers among student athletes;

4           (10) demographic trends or specific risk factors  
5 that are predictive of or correlated with student ath-  
6 lete exertional heat stroke and related illnesses such  
7 as heat exhaustion;

8           (11) methods for improving data collection re-  
9 lated to exertional heat stroke, such as methods to  
10 increase interoperability between State and local  
11 data systems or other data systems used to collect  
12 information that may be related to exertional heat  
13 stroke;

14           (12) current research and documentation, in-  
15 cluding those currently being conducted by graduate  
16 and doctoral students;

17           (13) recommendations from the National Ath-  
18 letic Trainers' Association's position statements per-  
19 taining to heat illnesses and emergency planning in  
20 athletics; and

21           (14) recommendations with respect to best  
22 practices for preventing exertional heat stroke from  
23 the Inter-Association Task Force for Preventing  
24 Sudden Death in Collegiate Conditioning Sessions.

1 **SEC. 7. RECOMMENDATIONS AND REPORT.**

2 (a) RECOMMENDATIONS.—Based on the study con-  
3 ducted under section 6, Braeden’s Commission shall—

4 (1) develop recommendations for the purpose of  
5 reducing fatalities from exertional heat stroke  
6 among student athletes, including—

7 (A) a recommendation to implement a  
8 comprehensive national strategy for such pur-  
9 pose; and

10 (B) lessons, solutions, and necessary im-  
11 provements related to such purpose; and

12 (2) develop guidelines for tracking certain types  
13 of information to prevent fatalities from exertional  
14 heat stroke among student athletes.

15 (b) REPORT.—Not later than 2 years after the date  
16 on which a majority of the members of Braeden’s Commis-  
17 sion have been appointed, Braeden’s Commission shall  
18 submit to the President and Congress a report con-  
19 taining—

20 (1) the recommendations required under sub-  
21 section (a);

22 (2) a detailed statement of the findings of  
23 Braeden’s Commission related to the study con-  
24 ducted under section 6; and

1           (3) recommendations for legislation and admin-  
2           istrative actions related to exertional heat stroke  
3           among student athletes at educational institutions.

4           (c) EXTENSION.—The President may extend the date  
5           on which the report required by subsection (b) must be  
6           submitted by not more than 1 year.

7           (d) PUBLICATION.—In coordination with the Sec-  
8           retary of Health and Human Services, Braeden’s Commis-  
9           sion shall make the report under subsection (b) publicly  
10          available on the website of the Department of Health and  
11          Human Services.

12       **SEC. 8. POWERS OF BRAEDEN’S COMMISSION.**

13          (a) HEARINGS.—

14               (1) IN GENERAL.—Braeden’s Commission may,  
15               for the purpose of carrying out this Act, hold hear-  
16               ings, sit and act at times and places, take testimony,  
17               and receive evidence as Braeden’s Commission con-  
18               siders appropriate. Braeden’s Commission may ad-  
19               minister oaths or affirmations to witnesses appear-  
20               ing before it.

21               (2) LOCATION.—The location of hearings under  
22               paragraph (1) shall include—

23                       (A) areas with high fatality rates related to  
24                       exertional heat stroke among student athletes;  
25                       and

1 (B) areas that have shown a decrease in  
2 fatalities from exertional heat stroke among  
3 student athletes.

4 (3) SUBJECT.—Braeden’s Commission shall  
5 hold hearings under paragraph (1)—

6 (A) to examine the Federal, State, and  
7 local policies and available resources that affect  
8 fatalities from exertional heat stroke among  
9 student athletes; and

10 (B) to conduct other work related to the  
11 study required under section 6.

12 (b) OBTAINING OFFICIAL DATA.—Braeden’s Com-  
13 mission may secure directly from any Federal agency or  
14 department information necessary to enable it to carry out  
15 this Act. Upon request of the Chairperson of Braeden’s  
16 Commission, the head of that Federal agency or depart-  
17 ment shall furnish that information to Braeden’s Commis-  
18 sion.

19 (c) MAILS.—Braeden’s Commission may use the  
20 United States mails in the same manner and under the  
21 same conditions as other Federal agencies and depart-  
22 ments.

23 (d) GIFTS, BEQUESTS, AND DEVISES.—To the extent  
24 or in the amounts made available in advance in appropria-  
25 tions Acts, Braeden’s Commission may accept, use, and

1 dispose of gifts, bequests, or devises of services or prop-  
2 erty, both real and personal, for the purpose of aiding or  
3 facilitating the work of Braeden's Commission.

4 **SEC. 9. COMMISSION PERSONNEL MATTERS.**

5 (a) DIRECTOR AND STAFF OF COMMISSION.—

6 (1) EXECUTIVE DIRECTOR.—Braeden's Com-  
7 mission shall have an Executive Director who shall  
8 be appointed by the Chairperson.

9 (2) STAFF.—With the approval of Braeden's  
10 Commission, the Chairperson may appoint additional  
11 personnel as the Chairperson considers appropriate.

12 (3) TERMINATION.—The Chairperson of  
13 Braeden's Commission may, without regard to the  
14 civil service laws and regulations, terminate the Ex-  
15 ecutive Director and such other personnel as may be  
16 necessary to enable Braeden's Commission to per-  
17 form its duties.

18 (4) COMPENSATION.—

19 (A) RATE OF PAY FOR THE EXECUTIVE DI-  
20 RECTOR.—The Chairperson of Braeden's Com-  
21 mission may fix the pay of the Executive Direc-  
22 tor of Braeden's Commission without regard to  
23 chapter 51 and subchapter III of chapter 53 of  
24 title 5, United States Code, relating to classi-  
25 fication of positions and General Schedule pay

1 rates, except that the rate of pay for the Execu-  
2 tive Director may not exceed the rate payable  
3 for level V of the Executive Schedule under sec-  
4 tion 5316 of such title.

5 (B) RATE OF PAY FOR STAFF.—The  
6 Chairperson of Braeden’s Commission may fix  
7 the pay of additional personnel at rates not to  
8 exceed the daily equivalent of the maximum an-  
9 nual rate of basic pay for GS–15 of the General  
10 Schedule.

11 (b) TRAVEL EXPENSES.—The members of Braeden’s  
12 Commission shall receive travel expenses, including per  
13 diem in lieu of subsistence, in accordance with applicable  
14 provisions under subchapter I of chapter 57 of title 5,  
15 United States Code.

16 (c) STAFF OF FEDERAL AGENCIES.—Upon request  
17 of Braeden’s Commission, the head of any Federal agency  
18 or department may detail, without reimbursement, any of  
19 the personnel of that agency or department to Braeden’s  
20 Commission to assist in carrying out this Act. Such detail  
21 shall be without interruption or loss of civil service status  
22 or privilege.

23 (d) EXPERTS AND CONSULTANTS.—With the ap-  
24 proval of Braeden’s Commission, the Chairperson may  
25 procure temporary and intermittent services under section

1 3109(b) of title 5, United States Code, but at rates not  
2 to exceed the daily equivalent of the maximum annual rate  
3 of basic pay for GS–15 of the General Schedule.

4 **SEC. 10. TERMINATION OF BRAEDEN’S COMMISSION.**

5 Braeden’s Commission shall terminate on the earlier  
6 of—

7 (1) 30 days after the date on which Braeden’s  
8 Commission submits its report pursuant to section  
9 7(b); or

10 (2) the date that is 3 years after the initial  
11 meeting under section 5(a).

12 **SEC. 11. FEDERAL AGENCY RESPONSE.**

13 Not later than 6 months after the submission to the  
14 President of the report required under section 7(b), any  
15 Federal agency or department that is subject to a rec-  
16 ommendation described in the report shall submit to Con-  
17 gress a report containing the plans of such agency or de-  
18 partment to address the recommendation.

19 **SEC. 12. DEFINITION.**

20 As used in this Act, the term “educational institu-  
21 tion” means—

22 (1) a public or private school that serves any of  
23 grades 9 through 12; and

1           (2) an institution of higher education (as de-  
2           fined in section 101(a) of the Higher Education Act  
3           of 1965 (20 U.S.C. 1001(a)).

○