

113TH CONGRESS
1ST SESSION

H. R. 2903

To amend section 487(a) of the Higher Education Act of 1965 to provide increased accountability of nonprofit athletic associations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Mr. DENT (for himself, Mrs. BEATTY, Mr. STIVERS, Mr. PERRY, Mr. GERLACH, Mr. SENSENBRENNER, Mr. THOMPSON of Pennsylvania, Mr. MORAN, and Mr. MARINO) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend section 487(a) of the Higher Education Act of 1965 to provide increased accountability of nonprofit athletic associations, 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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Collegiate Athletics Accountability Act”, or the
6 “NCAA Act”.

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

1 (1) Nationwide, institutions of higher education
2 receive approximately \$150,000,000,000 to
3 \$200,000,000,000 in funding under title IV of the
4 Higher Education Act of 1965 (20 U.S.C. 1070 et
5 seq.) annually, including approximately
6 \$20,000,000,000 to \$30,000,000,000 in Federal Pell
7 Grants;

8 (2) In fiscal year 2014, institutions of higher
9 education are projected to receive approximately
10 \$140,000,000,000 in Federal student aid under title
11 IV of such Act, which accounts for 77 percent of all
12 funding received by these institutions from the Fed-
13 eral Government.

14 (3) Funding under title IV of such Act is used
15 to provide grants, loans, and work-study funds from
16 the Federal Government to eligible students enrolled
17 in institution of higher education, including career
18 schools.

19 (4) Many institutions of higher education par-
20 ticipate in voluntary, nonprofit athletic associations
21 and athletic conferences, with the largest such asso-
22 ciation having over 1,000 member institutions of
23 higher education with more than 430,000 students
24 participating in athletics, and providing approxi-

1 mately \$523,000,000 in revenue sharing to such
2 members.

3 (5) Athletic programs at institutions of higher
4 education are some of the largest revenue generators
5 for such institutions nationwide, accounting for ap-
6 proximately \$6,100,000,000 in revenue from ticket
7 sales, radio and television receipts, alumni contribu-
8 tions, guarantees, royalties, and association distribu-
9 tions.

10 (6) The Committee on a Sports Medicine of the
11 American Academy of Pediatrics published a classi-
12 fication of sports based on the likelihood of contact,
13 impact, or injury, and determined that—

14 (A) boxing, field hockey, football, ice hock-
15 ey, lacrosse, martial arts, rodeo, soccer, and
16 wrestling are contact/collision sports; and

17 (B) baseball, basketball, bicycling, diving,
18 high jump, pole vault, gymnastics, horseback
19 riding, ice skating, roller skating, cross-country
20 skiing, downhill skiing, water skiing, softball,
21 squash, handball, and volleyball are limited-con-
22 tact/impact sports.

1 **SEC. 2. PROGRAM PARTICIPATION AGREEMENTS.**

2 Section 487(a) of the Higher Education Act of 1965
3 (20 U.S.C. 1094(a)) is amended by adding at the end the
4 following:

5 “(30) In the case of an institution that has an
6 intercollegiate athletic program, the institution will
7 not be a member of a nonprofit athletic association
8 unless such association—

9 “(A) requires annual baseline concussion
10 testing of each student athlete on the active
11 roster of each team participating in a contact/
12 collision sport or a limited-contact/impact sport
13 (based on the most recent classification of
14 sports published by the Committee on Sports
15 Medicine of the American Academy of Pediatrics)
16 before such student athlete may participate
17 in any contact drills or activities;

18 “(B) prior to enforcing any remedy for an
19 alleged infraction or violation of the policies of
20 such association—

21 “(i) provides institutions and student
22 athletes with the opportunity for a formal
23 administrative hearing, not less than one
24 appeal, and any other due process procedure
25 the Secretary determines by regulation
26 to be necessary; and

1 “(ii) hold in abeyance any such rem-
2 edy until all appeals have been exhausted
3 or until the deadline to appeal has passed,
4 whichever is sooner;

5 “(C) with respect to institutions attended
6 by students receiving athletically related stu-
7 dent aid (as defined in section 485(e)), requires
8 any such athletically related student aid pro-
9 vided to student athletes who play a contact/col-
10 lision sport (based on the most recent classifica-
11 tion of sports published by the Committee on
12 Sports Medicine of the American Academy of
13 Pediatrics) to be—

14 “(i) guaranteed for the duration of
15 the student athlete’s attendance at the in-
16 stitution, up to 4 years; and

17 “(ii) irrevocable for reasons related to
18 athletic skill or injury of the student ath-
19 lete; and

20 “(D) does not have in place a policy that
21 prohibits institutions from paying stipends to
22 student athletes.”.

1 **SEC. 3. APPLICATION OF TITLE IX OF THE EDUCATION**
2 **AMENDMENTS OF 1972.**

3 Title IX of the Education Amendments of 1972 (20
4 U.S.C. 1681 et seq.) shall not apply with respect to any
5 activity carried out by an institution of higher education
6 (as defined in section 102 of the Higher Education Act
7 of 1965 (20 U.S.C. 1002)) to comply with a nonprofit ath-
8 letic association membership requirement that is described
9 in paragraph (30)(C) of section 487(a) of such Act of
10 1965 (20 U.S.C. 1092(a)), as amended by section 2 of
11 this Act.

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