



THE DRAKE GROUP

Advancing Positive Legislative
Change In College Athletics



October 5, 2024

Issue Report #5
Athletics Injuries, Heat Related Illness, and Death



Dear [first name],

The Drake Group (TDG) works with Congress on critical issues related to the conduct of collegiate athletics programs. At the beginning of each academic year, we report on the top ten concerns we are addressing with members of Congress and executive agencies.

Issue #5. Five bills, precipitated by athlete deaths or serious injuries, and the failure of higher education and athletics governance organizations to adequately address prevention and adequate medical care, are languishing in committee in this the 118th Congress or died in the 117th Congress because of a dysfunctional and non-productive Congress:

H.R.4371—*School Sports Safety Study Act* (Rep. Troy LA-2-D) which would require a national study on the causes of deaths and catastrophic injuries related to high school and collegiate sports and formulate recommendations to prevent such deaths and catastrophic injuries.

[S.2081 & H.R.4256](#)—*Jordan McNair Student Athlete Heat Fatality Prevention Act* (Sen. Cardin MD-D and Rep. Mfume MD-7-D) which would mandate heat illness emergency action plans for use of AEDs and cold water immersion equipment at all athletic venues.

[H.R.4855](#)—*Braeden’s Commission: Protect our Athletes from Exertional Heat Stroke* (Rep. Smith NJ-4-D) died in the 117th Congress, an earnest effort to establish a commission to prevent exertional heat stroke deaths among high school and collegiate athletes.

[S.4724](#)—*College Athletes Bill of Rights* (Sen. Booker NJ-D), the best of these that would put a permanent Commission on College Athletics in place to address health and safety standards and other mechanisms to protect athletes’ interests, health and wellness and a medical trust to help athletes facing dementia, Parkinson’s Disease, and other effects of brain trauma 10 to 15 years from now.

Then in early 2023, the attention of Congress became riveted on the issue of athlete compensation for their names, images, and likenesses (NILs). Attention to these safety bills switched to this issue but fortunately, the two most prominent NIL bills included significant mandates related to athletes’ insurance, school responsibility for athletic injury expenses and catastrophic and longer-term brain trauma and athletic injury related costs:

[College Athletes Protection and Compensation Act of 2023](#)—(Senators Booker NJ-D, Blumenthal CT-D, and Moran KS-R) contains the strongest athletes’ health protections, a medical trust, and a federally chartered but independent ongoing organization overseeing implementation – modeled after the College Athletes’ Bill of Rights.

[Protecting Athletes, Schools, and Sports Act of 2023](#)—(Senators Manchin WV-D and Tuberville AL-R) also contains strong health protections, a medical trust, but leaves oversight to NCAA.

We will probably have to wait until the new Congress begins in January of 2025 to see if any of these bills will garner bi-partisan support. Voting for elected officials who will reach across the aisle and engage in compromise is key.

What The Drake Group is Doing About This. Whenever TDG starts work on a major area of legislation, we produce a secondary research paper to gather all the facts that will help educate Congressional staff members. See our major report—[College Athlete Health and Protection from Physical and Psychological Harm](#). Then we contact the offices that have announced legislation to establish a relationship with the legislative directors or assistants assigned to these bills and offer our assistance. We help first by explaining why neither the NCAA nor its member institutions are meeting athlete health protection obligations. Then we jointly discuss how we might be helpful...from evaluating and suggesting improvements to the bill itself, or meeting with other staff offices to seek additional cosponsors for the bill.

Our work in this area has paused until after the election because there is no indication that any of these bills will make it to the floor for a vote before January. A contributing reason is

the need to focus on the issue of colleges and universities departing from their historical practice of providing financial assistance to athletes tethered to the cost of education and now considering revenue-sharing, NIL payments, and other forms of pay-for-play. Why? Because the proposed settlement of a huge antitrust lawsuit (*House-Hubbard-Carter v. NCAA*) is eminent. If approved by the court, the magnitude of the settlement (\$22 billion over the next ten years) threatens the financial stability of college athletics, the future of non-revenue sports, and the continued viability of Title IX.

At any given time, we may be monitoring and working on 20 or more bills ([see our working list here](#)). The federal legislative process is a long-term process with most bills taking years to get to the floor. Persistence over time is the key to successfully influencing legislation.

Asking for Your Support. We'd really appreciate your help in advancing these efforts. If you aren't a member already, please consider becoming one. Membership is nominal (\$10/students, \$35/faculty, \$50/general) and gifts in any amount are appreciated. [We welcome you to do so here](#). If you are already a member, thank you for your support. These funds are used to pay for student research, operate our communications platforms and fund limited volunteer trips to meet with members of Congress (90 percent of our work educating Congressional staff members is via Zoom communication).

We do what we do because we believe in the extraordinary developmental impact of intercollegiate athletics on participants — confidence, discipline, work ethic, and more. We also believe in athletics because it contributes to a vibrant campus community and is part of the 'glue' that keeps alumni involved in higher education. We must keep these benefits while we solve the challenges created by the commercialization of college sport.

Thanks for your interest in our work and considering this request. We'd appreciate your help.

Gratefully,

Donna



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If you missed our first four Issue Reports, you may access them here:

[Issue Report #1 — Proposed Antitrust Settlement – Huge Financial Implications for College Sport](#)

[Issue Report #2 — Failure of the U.S. Office for Civil Rights to Enforce Title IX](#)

[Issue Report #3 — Confronting the Failure of the NCAA Enforcement Process](#)

[Issue Report #4 — Gambling: Biggest Danger to College Sport](#)