

116TH CONGRESS  
1ST SESSION

# H. R. 2036

To provide protections for amateur and professional athletes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2019

Mr. LAWSON of Florida introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To provide protections for amateur and professional 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “National Collegiate Athletics Act of 2019” or the  
6       “NCAA Act of 2019”.

7       (b) **TABLE OF CONTENTS.**—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ATHLETES ENROLLED IN INSTITUTIONS OF HIGHER  
EDUCATION

- Sec. 10. Enforcement.
- Sec. 11. Amateurism.
- Sec. 12. Scholarships.
- Sec. 13. Returning athlete scholarships.
- Sec. 14. Student-athlete work opportunity.
- Sec. 15. Student-athlete injury coverage.

#### TITLE II—COLLECTIVE BARGAINING AGREEMENTS

- Sec. 21. Collective bargaining agreements in professional sports.

#### TITLE III—GENERAL PROVISIONS

- Sec. 31. Annual report.
- Sec. 32. Definitions.

# 1 **TITLE I—ATHLETES ENROLLED** 2 **IN INSTITUTIONS OF HIGHER** 3 **EDUCATION**

## 4 **SEC. 10. ENFORCEMENT.**

5 Section 487(a) of the Higher Education Act of 1965  
 6 (20 U.S.C. 1094(a)) is amended by adding at the end the  
 7 following:

8 “(30) The institution will comply with the re-  
 9 quirements of title I of the NCAA Act of 2019.”.

## 10 **SEC. 11. AMATEURISM.**

11 (a) IN GENERAL.—Except as provided in subsection  
 12 (b), an institution of higher education may not restrict,  
 13 or be a member of an intercollegiate athletic association  
 14 that restricts amateur athletes from participating in ama-  
 15 teur sports.

16 (b) RESTRICTIONS.—Subsection (a) shall not apply  
 17 to restrictions with respect to—

18 (1) performance enhancement drugs;

1           (2) controlled substances which are illegal  
2 under the State laws in which the institution is lo-  
3 cated;

4           (3) educational requirements; or

5           (4) student code violations.

6 **SEC. 12. SCHOLARSHIPS.**

7       (a) **FRESHMEN SCHOLARSHIP REQUIREMENTS.**—

8           (1) **IN GENERAL.**—In the case of a student de-  
9 scribed in paragraph (2), an institution of higher  
10 education may only provide a scholarship for at least  
11 2 concurrent academic years.

12           (2) **STUDENT DESCRIBED.**—A student de-  
13 scribed under this paragraph is a student who—

14               (A) participates as an athlete in a colle-  
15 giate revenue-generating sport;

16               (B) is an incoming freshman at such insti-  
17 tution; and

18               (C) does not transfer to such institution  
19 from another institution of higher education.

20       (b) **OTHER STUDENT ATHLETES.**—

21           (1) **IN GENERAL.**—In the case of a student de-  
22 scribed in paragraph (2), an institution of higher  
23 education may only provide a scholarship for at least  
24 1 academic year.

1           (2) STUDENT DESCRIBED.—A student de-  
2           scribed in this paragraph is a student who—

3                   (A) participates as an athlete in a colle-  
4                   giate revenue-generating sport; and

5                   (B) is not a recipient of a scholarship  
6                   under subsection (a).

7           (c) AMOUNT OF SCHOLARSHIP.—The amount of a  
8           scholarship under subsection (a) or (b) shall be equal to  
9           the cost of attendance for the institution awarding such  
10          scholarship, as determined under section 472 of the High-  
11          er Education Act of 1965 (20 U.S.C. 10871).

12          (d) REVOCATION.—An institution of higher education  
13          may only revoke a scholarship under subsections (a) and  
14          (b) if the recipient of such scholarship—

15                   (1) elects to withdraw from participating in the  
16                   collegiate revenue-generating sport;

17                   (2) fails to complete mandatory time with re-  
18                   spect to such sport;

19                   (3) is not an amateur athlete;

20                   (4) violates the student code of conduct of the  
21                   institution of higher education; or

22                   (5) has a GPA or academic performance below  
23                   the standard for student athletes of the institution  
24                   of higher education.

1 **SEC. 13. RETURNING ATHLETE SCHOLARSHIPS.**

2 (a) ASSOCIATES DEGREE.—In the case of a student  
3 that received a scholarship from an institution of higher  
4 education under subsection (a) or (b) of section 12 and  
5 attended such institution for a period of less than 2 aca-  
6 demic years, such institution of higher education shall pro-  
7 vide a needs-based scholarship to such student to complete  
8 the minimum coursework necessary to obtain an associate  
9 degree or equivalent, unless the athletes scholarship had  
10 been previously revoked under section 12(d).

11 (b) BACHELORS DEGREE.—In the case of a student  
12 that received a scholarship from an institution of higher  
13 education under subsection (a) or (b) of section 12 and  
14 attended such institution for a period of 2 or more aca-  
15 demic years, such institution of higher education shall pro-  
16 vide a needs-based scholarship to such student to complete  
17 the minimum coursework necessary to obtain a bachelors  
18 degree.

19 (c) FULL-TIME STUDENTS.—An institution of higher  
20 education may require a returning student described in  
21 subsection (a) or (b) to attend such institution full-time.

22 (d) NEEDS-BASED SCHOLARSHIP.—In this section,  
23 the term “needs-based scholarship” means the amount  
24 equal to—

1           (1) the cost of attendance for a student (as de-  
2           fined in section 472 of the Higher Education Act of  
3           1965 (20 U.S.C. 1087ll)); minus

4           (2) the lesser of the following:

5                 (A) The expected family contribution for  
6                 such student if such contribution was deter-  
7                 mined under section 475 of the Higher Edu-  
8                 cation Act of 1965 (20 U.S.C. 1087oo).

9                 (B) The expected family contribution for  
10                such student if such contribution was deter-  
11                mined under section 476 of the Higher Edu-  
12                cation Act of 1965 (20 U.S.C. 1087pp).

13                (C) The expected family contribution for  
14                such student if such contribution was deter-  
15                mined under section 477 of the Higher Edu-  
16                cation Act of 1965 (20 U.S.C. 1087qq).

17 **SEC. 14. STUDENT-ATHLETE WORK OPPORTUNITY.**

18           (a) IN GENERAL.—An institution of higher education  
19 that provides a scholarship under subsection (a) or (b) of  
20 section 12 to a student shall require that such student  
21 report to such institution any potential paid work oppor-  
22 tunity such student intends to accept, before accepting  
23 such work opportunity.

1 (b) REVIEW OF WORK OPPORTUNITY.—In the case  
2 of a work opportunity reported pursuant to subsection (a),  
3 an institution shall—

4 (1) approve or deny such opportunity in writing  
5 not later than 14 days after receiving such report;  
6 or

7 (2) deny such opportunity only if accepting  
8 such opportunity—

9 (A) would nullify the amateur status of  
10 such student; or

11 (B) would prohibit the student from ful-  
12 filling mandatory time commitments for the  
13 sport for which the student received a scholar-  
14 ship under subsection (a) or (b) of section 12.

15 (c) EFFECT OF DENIAL.—In the case of a denial of  
16 an opportunity reported to an institution of higher edu-  
17 cation pursuant to subsection (a), if a student accepts  
18 such opportunity, the institution may revoke the scholar-  
19 ship under subsection (a) or (b) of section 12 of such stu-  
20 dent.

21 **SEC. 15. STUDENT-ATHLETE INJURY COVERAGE.**

22 (a) IN GENERAL.—In the case of a student at an in-  
23 stitution of higher education who participates as an ath-  
24 lete in a collegiate revenue-generating sport, such institu-  
25 tion shall ensure that such student is provided, at no cost

1 to such student, coverage for any medical costs incurred  
2 by such student with respect to any injury attributable  
3 to participation in such sport. Such institution shall serve  
4 as the primary payor with respect to 100 percent of such  
5 costs in lieu of any benefits such student may have under  
6 health insurance coverage or a group health plan (as such  
7 terms are defined in section 2791 of the Public Health  
8 Service Act (42 U.S.C. 300gg-91)).

9 (b) EFFECTIVE DATE.—The requirement specified in  
10 subsection (a) shall apply with respect to students partici-  
11 pating in a collegiate revenue-generating sport on or after  
12 the date that is 180 days after the date of the enactment  
13 of this Act.

## 14 **TITLE II—COLLECTIVE** 15 **BARGAINING AGREEMENTS**

### 16 **SEC. 21. COLLECTIVE BARGAINING AGREEMENTS IN PRO-** 17 **FESSIONAL SPORTS.**

18 A collective bargaining agreement between a profes-  
19 sional sports league and a professional players' association  
20 entered into after the date of the enactment of this Act  
21 shall allow adults to enter the collective bargaining agree-  
22 ment at the same level as other adults with the same expe-  
23 rience level in such professional sports league.



# TITLE III—GENERAL PROVISIONS

## 3 SEC. 31. ANNUAL REPORT.

4 Not later than 1 year after the date of the enactment  
5 of this Act, and annually thereafter, the Secretary of Edu-  
6 cation shall provide each institution of higher education  
7 with a collegiate revenue-generating sport a report of the  
8 responsibilities of such institutions with respect to players  
9 participating in the collegiate revenue-generating sport.

## 10 SEC. 32. DEFINITIONS.

11 In this Act:

12 (1) ADULT.—The term “adult” means a person  
13 that is at least 18 years old.

14 (2) AMATEUR ATHLETE.—The term “amateur  
15 athlete” means an athlete that participates in a  
16 sport who has not—

17 (A) entered into a contract with a profes-  
18 sional team with respect to such sport;

19 (B) received a salary with respect to such  
20 sport;

21 (C) received earnings (not including schol-  
22 arships) related to the participation in such  
23 sport; or

1 (D) received compensation from an agent  
2 representing or attempting to represent such  
3 athlete in such sport.

4 (3) COLLEGIATE REVENUE-GENERATING  
5 SPORT.—The term “collegiate revenue-generating  
6 sport” means men’s basketball or men’s football of-  
7 fered by an institution of higher education for which  
8 such institution participates in a qualified league.

9 (4) INSTITUTION OF HIGHER EDUCATION.—The  
10 term “institution of higher education” means an in-  
11 stitution described in section 101 of the Higher  
12 Education Act of 1965 (20 U.S.C. 1001).

13 (5) QUALIFIED LEAGUE.—The term “qualified  
14 league” means—

15 (A) division 1, football bowl subdivision,  
16 autonomy schools; and

17 (B) any sports league comprised of at least  
18 6 participating institutions of higher education  
19 in which at least 66 percent or greater of the  
20 revenues from a sport offered by such institu-  
21 tions exceed the expenses in that sport in each  
22 of the two most recently reported years.

23 (6) PROFESSIONAL SPORTS LEAGUE.—The  
24 term “professional sports league” means—

25 (A) the National Hockey League;

- 1 (B) the National Football League;
- 2 (C) the National Basketball Association;
- 3 (D) Major League Baseball; and
- 4 (E) Major League Soccer.

5 (7) PROFESSIONAL PLAYERS ASSOCIATION.—A  
6 group of professional sports league players that are  
7 represented by a collective bargaining agreement  
8 with a professional sports league.

