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October 12, 2007

Mr. Gene Upshaw, Executive Director
National Football League Players Association
2021 L Street, N.W.
Sixth Floor
Washington, D.C. 20036

Dear Mr. Upshaw:

We are writing to formally request that the National Football League Players Association (NFLPA) provide the answers and documents in response to the attached list of questions. As you are aware, the House Judiciary Committee has requested a nonpartisan Congressional Research Service (CRS) report that will examine the types of health problems suffered by current and former National Football League (NFL) players. The CRS report, requested on a bipartisan basis, will provide Congress and the public an objective analysis of the types and severity of injuries suffered by NFL players, the benefits programs available to injured players, and the barriers to former players seeking benefits. In addition, the report will delve into related issues such as the problem of concussions and its long-term effects on players.

The Committee's request for a CRS report arose out of testimony from the Subcommittee on Commercial and Administrative Law oversight hearing on June 26, 2007 entitled, "The National Football League's System for Compensating Retired Players: An Uneven Playing Field?" During that hearing, former players Mike Ditka, Harry Carson, Curt Marsh, and Brent Boyd detailed injuries sustained during their playing days that continue to hamper them today. They also recounted the complex process that former players must decipher in order to obtain disability benefits. Furthermore, the hearing exposed serious questions about why only a small percentage of former players receive disability benefits in such a dangerous sport.

As a result of the hearing, several members of the Committee have suggested that Congress should intervene to fix what has been described as a broken system of delivering disability benefits to former NFL players. The CRS study will provide the essential facts to help us consider what steps, if any, Congress could take on this issue in the future.

We appreciate your attention to this matter and ask that you provide these answers and documents to us by October 26, 2007 at 10:00 a.m. Please direct your responses and questions to the staff at the House Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680). Thank you in advance for your cooperation.

Sincerely,

John Conyers, Jr.
Chairman

Lamar S. Smith
Ranking Member

Linda T. Sánchez
Chair, Subcommittee on Commercial and Administrative Law

Christopher B. Cannon
Ranking Member, Subcommittee on Commercial and Administrative Law

Enclosure

Questions for the National Football League Players Association

Unless noted otherwise, requests for information about benefits and related programs refer to the following:

- 88 Plan
- Assisted living and post-retirement health insurance
- Cardiovascular Health (CVH) Program
- Death Benefits
- Group Insurance
- Line-of-Duty Disability
- NFL Players Health Reimbursement Account
- Player Annuity Program
- Retired Players Medical Fund
- Retirement Benefits
- Severance Pay
- Second Career Savings Plan
- Total and Permanent (T&P) Disability Plan

1. What organization or office is responsible for administering each of the above benefits or programs? What is the date on which each benefit or program was established?

2. For players who receive T&P disability benefits, what are the types and severity of their disabilities? Identify the number of players who experience each type of disability and, if possible, the injuries that led to these disabilities. Please provide the same information for line-of-duty disability benefits.

3. The NFLPA has reported that, currently, there are 7,900 former players. Excluding players whose information would be included in the response to question #2, do you know how many former players suffer from injury-related or football-related (e.g., obesity) health problems? If so, provide the number of players who suffer from each type of injury-related or football-related health problem.

4. If an individual meets the definition of "player," but he is not a vested player, for which benefits or programs, if any, is he eligible?

5. Does the NFLPA have any entity or entities that examine health problem involving active players, former players, or both?

6. How many players retired because of an injury or injuries? What types of injuries did these players sustain?

7. What is the average annual amount of each type of benefit (e.g., T&P disability, pension, line - of-duty disability, annuity program) paid to players in each year, 1950-2007? For each year, provide the number of players who received benefits, the average amount of the benefit per player, and the total amount of each type of benefit paid.

8. During the period (1989-1993) that the NFLPA and the NFL each administered a retirement plan, how did the plans work? That is, were the individuals who retired during this period able to choose which plan to use for retirement? If not, how was participation in each plan determined?

9. A July 25, 2007, NFLPA media release announced several new benefit initiatives and mentioned improved disability benefits procedures. Please provide additional, detailed information about these initiatives, including the actual or anticipated effective date of each program, as appropriate.

10. A former player may receive a pension, or a disability benefit (assuming he is eligible), but not both. Are there any other types of benefits or programs that have the same, or a similar, restriction (i.e., if a player receives benefit A, he cannot receive benefit B)?

11. What is the rationale for making a distinction between total and permanent disabilities that manifest themselves before an individual reaches the age of 45 or within 12 years after the end of his last credited season, whichever is later; and total and permanent disabilities that manifest themselves after an individual reaches the age of 45 or 12 years after the end of his last credited season, whichever is later? Specifically, what is the rationale for the difference between monthly T&P disability payments ($4,000) for players in the former category (football degenerative) and monthly payments ($1,500) for players in the latter category (inactive)? Additionally, what is the rationale for providing benefits under the NFL Player Supplemental Disability Plan to individuals in the categories of "active football," "active nonfootball," and "football degenerative," but not providing these benefits to the players in the "inactive" category?

12. It appears that the types of benefits available to players from different eras varies, depending upon the CBA(s) that were in effect during the years they played football. Provide a list of all benefit programs (including current programs; programs that were offered previously, but no longer exist, if any; and new programs, such as the Retired Players Medical Fund), and indicate which group of players — by the dates they played in the NFL — may participate in each type of benefit. For example,

Second Career Savings Plan	2006-present
Group Insurance	1998-present
Retirement Benefits	1950-present

13. For each benefit plan or program and for each year, show how many players submitted an application, and provide a breakdown of the disposition of the applications. The disposition breakdown should show the number of applications approved, the number denied, and, if there is an appeals process, the disposition of cases that were appealed. Also, include the reasons that applications were denied, and, if applicable, the disposition of any lawsuits filed by applicants.

14. Under Article 5 of the Bert Bell/Pete Rozelle NFL Player Retirement Plan, a former player who has applied for total and permanent disability benefits may be required to submit to an examination by a physician or physicians selected by the Retirement Board or the Disability Initial Claims Committee (DICC). Under what circumstance would a player not be required to submit to an examination? How many players, if any, have not been required to submit to a medical examination? How many players have been required to submit to at least one medical examination? How many players have had to submit to two examinations, three, four, etc.? How many players have been seen by one physician, two, three, etc.?

15. How are physicians selected to serve as "neutral physicians"? What are the criteria for hiring the physicians? Who pays for their services?

16. How are physicians selected to serve as medical advisory physicians (MAPs)? What are the criteria for hiring the physicians? Who pays for their services?

17. When the Retirement Board requires a player to see one or more neutral physicians, how are the physicians selected? Who pays for the former player's travel expenses to see the physician?

18. When the Retirement Board requires a player to see a MAP, how is the physician selected? Who pays for the former player's travel expenses to see the physician?

19. What instructions does the DICC or the board provide to neutral physicians? MAPs?

20. May a player also submit to the board or the DICC information from an examination conducted by a physician or physicians whom he has selected?

21. Who are the members of the Disability Initial Claims Committee?

22. If the board or the committee already has determined that an individual suffers from a total and permanent disability, why would he be required to submit, subsequently, to periodic physical examinations? For all of the players who have received total and permanent disability benefits under Article 5 of the retirement plan, how many have had to submit to periodic re-examinations? How many of *these* players have had their T&P benefits rescinded or reduced? Have any members of this group re-applied for T&P benefits, and what was the disposition of their cases?

23. How are players informed about benefits and programs available to them, including any changes in the benefits? How often are players informed about benefits and programs?

24. When was the Retired Players Department established? What is the purpose or role of the department? Since its inception, what has the department accomplished?

25. One of the objectives of the Retired Players Department is "to increase the future pension and benefits for all players." What has the department done to achieve this objective?

26. What is the relationship between the Retired Players Department and the Benefits Department?

27. How many T&P disability claims were denied because it was determined that the disabilities did not result from playing football? What types of injuries and disabilities were included in claims that were denied; claims that were approved initially; and claims that were denied initially, appealed, and eventually approved?

28. Provide a breakdown that shows, since the inception of the fund, the number of players who have received a Players Assistance Trust (PAT) Fund grant for health reasons, education/career transition, and catastrophic events, and the amount that each player received.

29. Describe the process used for funding the Retirement Plan and other benefits and programs. Who contributes funds, and how are the funds allocated among the Retirement Plan, other benefits and programs, and all other expenses (for example, players' salaries)?

30. Please provide copies of the following:

a. Retirement Plan annual reports (Form 5500 Series) for the past five years.

b. All of the studies and surveys that the NFLPA has conducted, been involved in, or has hired someone else to conduct, involving players' injuries, disabilities, and health problems (e.g, obesity). In addition, please provide a list of ongoing and planned studies, if any, including, for each study, the names of the authors, their organizational affiliations, the purpose of the study,

and the expected date of completion. For example, provide information about the agreement to fund research on dementia, which was mentioned in the July 25, 2007, media release. How has the union used the data and studies?

c. Applications for disability benefits and any other plans and programs that require an application.

31. If the NFLPA conducts an education program for players on injuries and the short-term, as well as long-term, benefits and risks of common treatments for injuries and pain associated with injuries, provide information about this program, including copies of the materials, if any, that are provided to players.

32. Please provide information about the NFL Alumni Association's Dire Need Fund, the Hall of Fame Enshrinee Assistance Fund, and any other funds or organizations of which you are aware that provide financial or medical assistance to former players. Indicate which funds or organizations, if any, are affiliated with the players association.