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DEMOCRATIC STEERING AND POLICY COMMITTEE

Congress of the United States House of Representatives

September 30, 2022

Roger Goodell, Commissioner
National Football League
345 Park Avenue, 5th Floor
New York, NY 10154

Stephen M. Ross, Principal Owner
Miami Dolphins
347 Don Shula Drive
Miami Gardens, FL 33056

Dear Commissioner Goodell and Mr. Ross:

I, like millions of Americans, am disturbed by what happened in Thursday night's contest between the Cincinnati Bengals and Miami Dolphins. The concussion to Miami quarterback Tua Tagovailoa on national television, occurring just four days after he was injured in a game, demands immediate answers from the Miami Dolphins organization and the National Football League (NFL).

The facts around the second injury are painful to recount. It seemed that Mr. Tagovailoa may have suffered a concussion on Sunday, September 25 in Miami's game against the Buffalo Bills. And yet despite his injury, he was back on the field for Miami's next game on Thursday, September 29 against Cincinnati. I pray and hope that the Dolphins and NFL officials did not disregard Mr. Tagovailoa's safety to rush him back into action.

A concussion is one of the most common brain injuries a human being can suffer and extremely serious. As you know – as any trained professional knows – time and rest are essential to help recover from a concussion. According to the NFL, a sport-related concussion is defined as a “traumatic brain injury induced by biomechanical forces,” which can be caused by direct hits to the head, face, neck, or anywhere else on the body that transmits force to the head.¹ Loss of consciousness, seizures, delayed movement, difficulty with motor or balance coordination, a vacant look, clutching the head, confusion, amnesia, or visible face injuries are among the many observable signs of a concussion.

As you know, the NFL has put in place a concussion protocol for game days in which unaffiliated neurotrauma consultants (UNCs) and athletic trainers are stationed on sidelines and stadium booths to survey players for signs of concussion.² If a UNC or athletic trainer sees any signs of a concussion, they are required to contact the team physician to recommend a sideline examination and the player is sent to be checked out. If signs of a concussion are identified, the player is sent for further evaluation and cannot return to the game. Once a player has been diagnosed with a concussion, they may not meet or talk with press or drive on the day of the injury. Next, the player must undergo a five-step process, including clearance from an independent neurological consultant, before being cleared to practice or play.

Many questions must be answered about what happened to Mr. Tagovailoa. These include:

¹ <https://www.aans.org/Patients/Neurosurgical-Conditions-and-Treatments/Sports-related-Head-Injury>

² <https://www.nfl.com/playerhealthandsafety/health-and-wellness/player-care/concussion-protocol-return-to-participation-protocol>

- Please explain how Mr. Tagovailoa was permitted to play one snap in the game against Cincinnati after suffering a previous injury in an NFL game just four days earlier. Did independent medical professionals, such as a UNC or an athletic trainer, or team physician, check Mr. Tagovailoa? Were any objections raised to Mr. Tagovailoa playing on Thursday, September 29 against Cincinnati?
- Please detail all measures taken to protect Mr. Tagovailoa's safety between his injury against Buffalo and his concussion against Cincinnati. Did those measures meet the NFL's concussion protocols? If not, why not? If yes, does the NFL believe the league's concussion protections are effective and will the NFL review and update these protocols?
- Please explain why the Dolphins Coach Mike McDaniel reported Ms. Tagovailoa's injury to be a back injury after the Dolphins initially reported it to be a head injury.³ Please explain how Ms. Tagovailoa was able to play while the NFL said a review of Sunday's injury was "expected to take one or two weeks."⁴
- Is Mr. McDaniel aware that the league considers any direct hit to a part of the body that transmits force to the head to be a concussion?
- Will the NFL cooperate with the NFL Players Association's investigation into the Dolphins for its handling of Mr. Tagovailoa's concussion evaluation process?

Please provide answers to my office no later than October 14, 2022.

As the founder and co-head of the Congressional Brain Injury Task Force, I have worked for over 20 years to build public awareness and treatment options for the victims of traumatic brain injury. In that time I have collaborated closely with sports leaders at all levels and all sports on the absolute necessity of protecting athletes suffering from concussions.

After years of obfuscation and even litigation regarding links between head injuries and neurological disorders, there were positive signs that the NFL finally was trying to take seriously the impact these brain injuries can have on health and safety of its players. Working with the NFL over the years, your officials have assured the public of the NFL's commitment to player safety and protecting athletes from brain injury. Mr. Tagovailoa's injury on live television raises grave questions about the progress that the NFL and its teams purported to have made on this issue and how seriously the NFL is taking its commitment to player safety.

I hope you will appreciate the situation in front of you. This moment demands answers – and actions.

Sincerely,


Bill Pascrell, Jr.
Member of Congress

³ <https://www.nfl.com/news/nfl-says-every-indication-is-concussion-protocol-was-followed-with-tua-tagovailo>

⁴ Ibid