

113TH CONGRESS
2D SESSION

H. R. 5743

To establish a commission to identify and examine issues of national concern related to the conduct of intercollegiate athletics, to make recommendations for the resolution of the issues, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2014

Mr. MORAN (for himself, Mr. RUSH, Mr. GEORGE MILLER of California, Mr. SCOTT of Virginia, Mr. VAN HOLLEN, Mr. HOLT, Mr. SENSENBRENNER, Mr. RUNYAN, Mr. DENT, Mr. CÁRDENAS, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a commission to identify and examine issues of national concern related to the conduct of intercollegiate athletics, to make recommendations for the resolution of the issues, 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. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) properly conducted intercollegiate athletic
6 programs contribute to the beneficial development of

1 student athletes and the vibrancy of campus life at
2 institutions of higher education;

3 (2) recent events pose grave threats to the fi-
4 nancial stability of athletic programs at institutions
5 of higher education and create pressure on institu-
6 tions of higher education to consider eliminating
7 non-revenue Olympic sports or increasing general
8 fund, student fee, and donor subsidies to athletics at
9 a time when such resources are needed for priority
10 academic programs;

11 (3) there are concerns about the health and
12 safety needs of student athletes with regard to ade-
13 quacy of injury protections and other medical proto-
14 cols;

15 (4) academic integrity at institutions of higher
16 education is threatened by increased incidences of
17 academic fraud involving student athletes, failure to
18 provide adequate remedial programs for academi-
19 cally unprepared admitted athletes, and excessive
20 athletics time demands;

21 (5) student athletes faced with loss of financial
22 aid and other benefits and National Collegiate Ath-
23 letic Association (NCAA) member institutions in
24 danger of financial penalties, loss of media rights,

1 and public embarrassment due to alleged rules viola-
2 tions are not being afforded adequate due process;

3 (6) the NCAA, member institutions of the
4 NCAA, and college presidents have not adequately
5 addressed these issues; and

6 (7) reform is so complex and important to high-
7 er education that a blue ribbon commission of sport
8 experts and members of Congress should be con-
9 vened to objectively study these issues and propose
10 solutions.

11 **SEC. 2. ESTABLISHMENT.**

12 There is established a commission to be known as the
13 Presidential Commission on Intercollegiate Athletics.

14 **SEC. 3. DUTIES.**

15 (a) REVIEW.—The Commission shall review and ana-
16 lyze the following issues related to intercollegiate athletics:

17 (1) The interaction of athletics and academics,
18 including—

19 (A) the extent to which existing athletic
20 practices allow student athletes to succeed as
21 both students and athletes;

22 (B) how athletics affect the academic mis-
23 sion, academic integrity, and credit worthiness
24 of institutions of higher education;

1 (C) graduation rates of student athletes;
2 and

3 (D) standards of academic eligibility for
4 participation in and terms of scholarships for
5 student athletes.

6 (2) The financing of intercollegiate athletics, in-
7 cluding—

8 (A) sources of revenue, including student
9 fees, media contracts, and licensing agreements;

10 (B) expenditures of revenue, including
11 compliance with title IX of the Education
12 Amendments of 1972, coaching salaries, and fa-
13 cilities development;

14 (C) the ability of institutions of higher
15 education to finance intercollegiate athletics;

16 (D) the financial transparency of inter-
17 collegiate athletics;

18 (E) the criteria for receipt of financial dis-
19 bursements or rewards from athletic member-
20 ship associations;

21 (F) rules related to earnings and benefits
22 by student athletes, including the possibility of
23 commercial compensation for the use of the
24 names, images, and likenesses of student ath-
25 letes and whether a student athlete may retain

1 a personal representative to negotiate on behalf
2 of the student athlete;

3 (G) tax regulations related to revenue from
4 intercollegiate athletics; and

5 (H) Federal judicial decisions that affect
6 compensation for student athletes or the right
7 of student athletes to organize as a collective
8 bargaining unit.

9 (3) Recruitment and retention of student ath-
10 letes, including rules related to—

11 (A) professional sports participation;

12 (B) transfer of student athletes to other
13 institutions; and

14 (C) recruitment and representations made
15 to potential student athletes.

16 (4) Oversight and governance practices.

17 (5) Health and safety protections for student
18 athletes.

19 (6) Due process and other protections related to
20 the enforcement of rules and regulations related to
21 student athletes.

22 (7) Any other issues the Commission considers
23 relevant to understanding the state of intercollegiate
24 athletics.

1 (b) RECOMMENDATIONS.—The Commission shall de-
2 velop recommendations regarding the issues identified in
3 subsection (a) based on the review and analysis of the
4 issues under such subsection.

5 **SEC. 4. MEMBERSHIP.**

6 (a) IN GENERAL.—The Commission shall be com-
7 posed of 17 members appointed as follows:

8 (1) Five members appointed by the President,
9 in consultation with the Secretary of Education and
10 the Attorney General.

11 (2) Three members appointed by the Speaker of
12 the House of Representatives, including—

13 (A) one Member of the House of Rep-
14 resentatives; and

15 (B) two individuals who are not Members
16 of Congress.

17 (3) Three members appointed by the minority
18 leader of the House of Representatives, including—

19 (A) one Member of the House of Rep-
20 resentatives; and

21 (B) two individuals who are not Members
22 of Congress.

23 (4) Three members appointed by the majority
24 leader of the Senate, including—

25 (A) one Member of the Senate; and

1 (B) two individuals who are not Members
2 of Congress.

3 (5) Three members appointed by the minority
4 leader of the Senate, including—

5 (A) one Member of the Senate; and

6 (B) two individuals who are not Members
7 of Congress.

8 (b) QUALIFICATIONS.—Appointments shall be made
9 from individuals who are specially qualified to serve on
10 the Commission by virtue of their education, training, or
11 experience.

12 (c) VACANCY.—Any vacancy on the Commission shall
13 not affect the powers of the Commission, but shall be filled
14 in the manner in which the original appointment was
15 made.

16 (d) CHAIR.—The Chair of the Commission shall be
17 elected by the members.

18 (e) REIMBURSEMENT; SERVICE WITHOUT PAY.—
19 Members of the Commission shall serve without pay, ex-
20 cept members of the Commission shall be entitled to reim-
21 bursement for travel, subsistence, and other necessary ex-
22 penses incurred by them in carrying out the functions of
23 the Commission, in the same manner as persons employed
24 intermittently by the Federal Government are allowed ex-
25 penses under section 5703 of title 5, United States Code.

1 **SEC. 5. STAFF.**

2 The Commission may appoint and fix the compensa-
3 tion of a staff director and such other personnel as may
4 be necessary to enable the Commission to carry out its
5 functions, without regard to the provisions of title 5,
6 United States Code, governing appointments in the com-
7 petitive service, and without regard to the provisions of
8 chapter 51 and subchapter III of chapter 53 of such title
9 relating to classification and General Schedule pay rates,
10 except that no rate of pay fixed under this paragraph may
11 exceed the equivalent of that payable for a position at level
12 V of the Executive Schedule under section 5316 of title
13 5, United States Code.

14 **SEC. 6. MEETINGS.**

15 (a) IN GENERAL.—The Commission shall meet at the
16 call of the Chair or of a majority of its members.

17 (b) FIRST MEETING.—The first such meeting shall
18 occur not later than 90 days after the date of the enact-
19 ment of this Act.

20 **SEC. 7. POWERS.**

21 (a) IN GENERAL.—The Commission may, for the
22 purpose of carrying out this Act, hold hearings, sit and
23 act at times and places, take testimony, and receive evi-
24 dence as the Commission considers appropriate.

25 (b) DELEGATION.—Any member or agent of the
26 Commission may, if authorized by the Commission, take

1 any action which the Commission is authorized to take by
2 this section.

3 (c) ACCESS TO INFORMATION.—The Commission
4 may secure directly from any department or agency of the
5 United States information necessary to enable it to carry
6 out this Act. Upon request of the Commission, the head
7 of such department or agency shall furnish such informa-
8 tion to the Commission.

9 (d) USE OF MAILS.—The Commission may use the
10 United States mails in the same manner and under the
11 same conditions as other departments and agencies of the
12 United States.

13 (e) ADMINISTRATIVE SUPPORT.—The Administrator
14 of General Services shall provide to the Commission on
15 a reimbursable basis such administrative support services
16 as the Commission may request that are necessary for the
17 Commission to carry out its responsibilities under this Act.

18 **SEC. 8. REPORT.**

19 Not later than the date that is 1 year after the date
20 of the first meeting of the Commission, the Commission
21 shall submit to the President and the Congress a written
22 report of its findings and recommendations based on the
23 review and analysis required by section 3.

1 **SEC. 9. TERMINATION.**

2 The Commission shall terminate on the date that is
3 30 days after the date on which the Commission submits
4 the report required by section 8.

5 **SEC. 10. DEFINITIONS.**

6 (a) COMMISSION.—In this Act, the term “Commis-
7 sion” means the Presidential Commission on Intercolle-
8 giate Athletics established by section 2.

9 (b) INSTITUTION OF HIGHER EDUCATION.—In this
10 Act, the term “institution of higher education” means any
11 institution that—

12 (1) meets the definition in section 102(a)(1) of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1002(a)(1)); and

15 (2) has student athletes who are eligible for
16 Federal student loans.

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