

114TH CONGRESS
1ST SESSION

H. R. 2731

To amend section 487(a) of the Higher Education Act of 1965 to provide increased accountability of nonprofit athletic associations and to establish a commission to identify and examine issues of national concern related to the conduct of intercollegiate athletics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2015

Mr. DENT (for himself, Mrs. BEATTY, Mr. RUSH, Mr. KATKO, Mr. CURBELO of Florida, and Mr. THOMPSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend section 487(a) of the Higher Education Act of 1965 to provide increased accountability of nonprofit athletic associations and to establish a commission to identify and examine issues of national concern related to the conduct of intercollegiate athletics, 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,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Collegiate Athletics Accountability Act”, or the
4 “NCAA Act”.

5 (b) FINDINGS.—The Congress finds as follows:

6 (1) Nationwide, institutions of higher education
7 receive approximately \$150,000,000,000 to
8 \$200,000,000,000 in funding under title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070 et
10 seq.) annually, including approximately
11 \$20,000,000,000 to \$30,000,000,000 in Federal Pell
12 Grants.

13 (2) In fiscal year 2014, institutions of higher
14 education are projected to receive approximately
15 \$140,000,000,000 in Federal student aid under title
16 IV of such Act, which accounts for 77 percent of all
17 funding received by these institutions from the Fed-
18 eral Government.

19 (3) Funding under title IV of such Act is used
20 to provide grants, loans, and work-study funds from
21 the Federal Government to eligible students enrolled
22 in institution of higher education, including career
23 schools.

24 (4) Many institutions of higher education par-
25 ticipate in voluntary, nonprofit athletic associations
26 and athletic conferences, with the largest such asso-

1 ciation having over 1,000 member institutions of
2 higher education with more than 430,000 students
3 participating in athletics, and providing approxi-
4 mately \$523,000,000 in revenue sharing to such
5 members.

6 (5) Athletic programs at institutions of higher
7 education are some of the largest revenue generators
8 for such institutions nationwide, accounting for ap-
9 proximately \$6,100,000,000 in revenue from ticket
10 sales, radio and television receipts, alumni contribu-
11 tions, guarantees, royalties, and association distribu-
12 tions.

13 (6) The Committee on Sports Medicine of the
14 American Academy of Pediatrics published a classi-
15 fication of sports based on the likelihood of contact,
16 impact, or injury, and determined that—

17 (A) boxing, field hockey, football, ice hock-
18 ey, lacrosse, martial arts, rodeo, soccer, and
19 wrestling are contact/collision sports; and

20 (B) baseball, basketball, bicycling, diving,
21 high jump, pole vault, gymnastics, horseback
22 riding, ice skating, roller skating, cross-country
23 skiing, downhill skiing, water skiing, softball,
24 squash, handball, and volleyball are limited-con-
25 tact/impact sports.

1 **SEC. 2. PROGRAM PARTICIPATION AGREEMENTS.**

2 Section 487(a) of the Higher Education Act of 1965
3 (20 U.S.C. 1094(a)) is amended by adding at the end the
4 following:

5 “(30) In the case of an institution that has an
6 intercollegiate athletic program, the institution will
7 not be a member of a nonprofit athletic association
8 unless such association—

9 “(A) requires annual baseline concussion
10 testing of each student athlete on the active
11 roster of each team participating in a contact/
12 collision sport or a limited-contact/impact sport
13 (based on the most recent classification of
14 sports published by the Committee on Sports
15 Medicine of the American Academy of Pediatrics)
16 before such student athlete may partici-
17 pate in any contact drills or activities;

18 “(B) prior to enforcing any remedy for an
19 alleged infraction or violation of the policies of
20 such association—

21 “(i) provides institutions and student
22 athletes with the opportunity for a formal
23 administrative hearing, not less than one
24 appeal, and any other due process proce-
25 dure the Secretary determines by regula-
26 tion to be necessary; and

1 “(ii) hold in abeyance any such rem-
2 edy until all appeals have been exhausted
3 or until the deadline to appeal has passed,
4 whichever is sooner;

5 “(C) with respect to institutions attended
6 by students receiving athletically related stu-
7 dent aid (as defined in section 485(e)), requires
8 any such athletically related student aid pro-
9 vided to student athletes who play a contact/col-
10 lision sport (based on the most recent classifica-
11 tion of sports published by the Committee on
12 Sports Medicine of the American Academy of
13 Pediatrics) to be—

14 “(i) guaranteed for the duration of
15 the student athlete’s attendance at the in-
16 stitution, up to 4 years; and

17 “(ii) irrevocable for reasons related to
18 athletic skill or injury of the student ath-
19 lete; and

20 “(D) does not have in place a policy that
21 prohibits institutions from paying stipends to
22 student athletes.”.

1 **SEC. 3. PRESIDENTIAL COMMISSION ON INTERCOLLEGIATE**
2 **ATHLETICS.**

3 (a) **ESTABLISHMENT.**—There is established a com-
4 mission to be known as the Presidential Commission on
5 Intercollegiate Athletics.

6 (b) **DUTIES.**—

7 (1) **REVIEW.**—The Commission shall review and
8 analyze the following issues related to intercollegiate
9 athletics:

10 (A) The interaction of athletics and aca-
11 demics, including—

12 (i) the extent to which existing ath-
13 letic practices allow student athletes to
14 succeed as both students and athletes;

15 (ii) how athletics affect the academic
16 mission, academic integrity, and credit
17 worthiness of institutions of higher edu-
18 cation;

19 (iii) graduation rates of student ath-
20 letes; and

21 (iv) standards of academic eligibility
22 for participation in and terms of scholar-
23 ships for student athletes.

24 (B) The financing of intercollegiate ath-
25 letics, including—

1 (i) sources of revenue, including stu-
2 dent fees, media contracts, and licensing
3 agreements;

4 (ii) expenditures of revenue, including
5 compliance with title IX of the Education
6 Amendments of 1972, coaching salaries,
7 and facilities development;

8 (iii) the ability of institutions of high-
9 er education to finance intercollegiate ath-
10 letics;

11 (iv) the financial transparency of
12 intercollegiate athletics;

13 (v) the criteria for receipt of financial
14 disbursements or rewards from athletic
15 membership associations;

16 (vi) rules related to earnings and ben-
17 efits by student athletes, including the pos-
18 sibility of commercial compensation for the
19 use of the names, images, and likenesses of
20 student athletes and whether a student
21 athlete may retain a personal representa-
22 tive to negotiate on behalf of the student
23 athlete;

24 (vii) tax regulations related to revenue
25 from intercollegiate athletics; and

1 (viii) Federal judicial decisions that
2 affect compensation for student athletes or
3 the right of student athletes to organize as
4 a collective bargaining unit.

5 (C) Recruitment and retention of student
6 athletes, including rules related to—

7 (i) professional sports participation;

8 (ii) transfer of student athletes to
9 other institutions; and

10 (iii) recruitment and representations
11 made to potential student athletes.

12 (D) Oversight and governance practices.

13 (E) Health and safety protections for stu-
14 dent athletes.

15 (F) Due process and equal enforcement re-
16 lated to rules and regulations for student ath-
17 letes.

18 (G) Any other issues the Commission con-
19 siders relevant to understanding the state of
20 intercollegiate athletics.

21 (2) RECOMMENDATIONS.—The Commission
22 shall develop recommendations regarding the issues
23 identified in paragraph (1) based on the review and
24 analysis of the issues under such paragraph.

25 (c) MEMBERSHIP.—

1 (1) IN GENERAL.—The Commission shall be
2 composed of 17 members appointed as follows:

3 (A) Five members appointed by the Presi-
4 dent, in consultation with the Secretary of Edu-
5 cation and the Attorney General.

6 (B) Three members appointed by the
7 Speaker of the House of Representatives, in-
8 cluding—

9 (i) one Member of the House of Rep-
10 resentatives; and

11 (ii) two individuals who are not Mem-
12 bers of Congress.

13 (C) Three members appointed by the mi-
14 nority leader of the House of Representatives,
15 including—

16 (i) one Member of the House of Rep-
17 resentatives; and

18 (ii) two individuals who are not Mem-
19 bers of Congress.

20 (D) Three members appointed by the ma-
21 jority leader of the Senate, including—

22 (i) one Member of the Senate; and

23 (ii) two individuals who are not Mem-
24 bers of Congress.

1 (E) Three members appointed by the mi-
2 nority leader of the Senate, including—

3 (i) one Member of the Senate; and

4 (ii) two individuals who are not Mem-
5 bers of Congress.

6 (2) QUALIFICATIONS.—Appointments shall be
7 made from individuals who are specially qualified to
8 serve on the Commission by virtue of their edu-
9 cation, training, or experience.

10 (3) VACANCY.—Any vacancy on the Commis-
11 sion shall not affect the powers of the Commission,
12 but shall be filled in the manner in which the origi-
13 nal appointment was made.

14 (4) CHAIR.—The Chair of the Commission shall
15 be elected by the members.

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

1 (d) STAFF.—The Commission may appoint and fix
2 the compensation of a staff director and such other per-
3 sonnel as may be necessary to enable the Commission to
4 carry out its functions, without regard to the provisions
5 of title 5, United States Code, governing appointments in
6 the competitive service, and without regard to the provi-
7 sions of chapter 51 and subchapter III of chapter 53 of
8 such title relating to classification and General Schedule
9 pay rates, except that no rate of pay fixed under this para-
10 graph may exceed the equivalent of that payable for a po-
11 sition at level V of the Executive Schedule under section
12 5316 of title 5, United States Code.

13 (e) MEETINGS.—

14 (1) IN GENERAL.—The Commission shall meet
15 at the call of the Chair or of a majority of its mem-
16 bers.

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

20 (f) POWERS.—

21 (1) IN GENERAL.—The Commission may, for
22 the purpose of carrying out this section, hold hear-
23 ings, sit and act at times and places, take testimony,
24 and receive evidence as the Commission considers
25 appropriate.

1 (2) DELEGATION.—Any member or agent of
2 the Commission may, if authorized by the Commis-
3 sion, take any action which the Commission is au-
4 thorized to take by this subsection.

5 (3) ACCESS TO INFORMATION.—The Commis-
6 sion may secure directly from any department or
7 agency of the United States information necessary
8 to enable it to carry out this section. Upon request
9 of the Commission, the head of such department or
10 agency shall furnish such information to the Com-
11 mission.

12 (4) USE OF MAILS.—The Commission may use
13 the United States mails in the same manner and
14 under the same conditions as other departments and
15 agencies of the United States.

16 (5) ADMINISTRATIVE SUPPORT.—The Adminis-
17 trator of General Services shall provide to the Com-
18 mission on a reimbursable basis such administrative
19 support services as the Commission may request
20 that are necessary for the Commission to carry out
21 its responsibilities under this section.

22 (g) REPORT.—Not later than the date that is 1 year
23 after the date of the first meeting of the Commission, the
24 Commission shall submit to the President and the Con-
25 gress a written report of its findings and recommendations

1 based on the review and analysis required by subsection
2 (b).

3 (h) TERMINATION.—The Commission shall terminate
4 on the date that is 30 days after the date on which the
5 Commission submits the report required by subsection (g).

6 (i) DEFINITIONS.—In this section:

7 (1) COMMISSION.—The term “Commission”
8 means the Presidential Commission on Intercolle-
9 giate Athletics established by subsection (a).

10 (2) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” means any in-
12 stitution that—

13 (A) meets the definition in section
14 102(a)(1) of the Higher Education Act of 1965
15 (20 U.S.C. 1002(a)(1)); and

16 (B) has student athletes who are eligible
17 for Federal student loans.

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