

114TH CONGRESS  
1ST SESSION

# H. R. 275

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2015

Mr. RUSH (for himself, Mr. BARTON, Mr. SCOTT of Virginia, and Mr. DENT) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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  
7 student athletes and the vibrancy of campus life at  
8 institutions of higher education;

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

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

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

19          (5) student athletes faced with loss of financial  
20          aid and other benefits and National Collegiate Ath-  
21          letic Association (NCAA) member institutions in  
22          danger of financial penalties, loss of media rights,  
23          and public embarrassment due to alleged rules viola-  
24          tions are not being afforded adequate due process;

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

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

9   **SEC. 2. ESTABLISHMENT.**

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

12   **SEC. 3. DUTIES.**

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

15               (1) The interaction of athletics and academics,  
16               including—

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

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

23                       (C) graduation rates of student athletes;  
24               and

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

4 (2) The financing of intercollegiate athletics, in-  
5 cluding—

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

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

12 (C) the ability of institutions of higher  
13 education to finance intercollegiate athletics;

14 (D) the financial transparency of inter-  
15 collegiate athletics;

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

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

1 (G) tax regulations related to revenue from  
2 intercollegiate athletics; and

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

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

9 (A) professional sports participation;

10 (B) transfer of student athletes to other  
11 institutions; and

12 (C) recruitment and representations made  
13 to potential student athletes.

14 (4) Oversight and governance practices.

15 (5) Health and safety protections for student  
16 athletes.

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

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

23 (b) RECOMMENDATIONS.—The Commission shall de-  
24 velop recommendations regarding the issues identified in

1 subsection (a) based on the review and analysis of the  
2 issues under such subsection.

3 **SEC. 4. MEMBERSHIP.**

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

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

9 (2) Three members appointed by the Speaker of  
10 the House of Representatives, including—

11 (A) one Member of the House of Rep-  
12 resentatives; and

13 (B) two individuals who are not Members  
14 of Congress.

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

17 (A) one Member of the House of Rep-  
18 resentatives; and

19 (B) two individuals who are not Members  
20 of Congress.

21 (4) Three members appointed by the majority  
22 leader of the Senate, including—

23 (A) one Member of the Senate; and

24 (B) two individuals who are not Members  
25 of Congress.

1           (5) Three members appointed by the minority  
2 leader of the Senate, including—

3                   (A) one Member of the Senate; and

4                   (B) two individuals who are not Members  
5 of Congress.

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

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

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

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