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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To establish a Gender Equity in College Sports Commission.

IN THE HOUSE OF REPRESENTATIVES

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which
was referred to the Committee on _____

A BILL

To establish a Gender Equity in College Sports Commission.

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. SHORT TITLE.**

4 This Act may be cited as the “Gender Equity in Col-
5 lege Sports Commission Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a “Commission on Gender Eq-
8 uity in College Sports” (in this Act referred to as the
9 “Commission”).

1 **SEC. 3. DUTIES.**

2 (a) IN GENERAL.—The duties of the Commission
3 shall be to—

4 (1) compare how the National Collegiate Ath-
5 letic Association (in this Act referred to as the
6 “NCAA”) operates men’s and women’s champion-
7 ship tournaments across all sports and other stu-
8 dent-athlete programs with respect to the treatment
9 of the participating men’s and women’s teams; and

10 (2) report to Congress on its findings with rec-
11 ommendations on how the NCAA can improve gen-
12 der equity in such championship tournaments and
13 student-athlete programs.

14 (b) CONTENT OF REPORT.—On a date that is not
15 later than 18 months, and not earlier than 12 months,
16 after the establishment of the Commission, and that is not
17 earlier than 6 months after the last day of the Division
18 I Men’s and Women’s Basketball Championships that take
19 place during the life of the Commission, the Commission
20 shall prepare and submit to Congress a report on—

21 (1) the findings identified after—

22 (A) studying and comparing NCAA oper-
23 ations pertaining to treatment of the men’s and
24 women’s teams participating in the champion-
25 ship tournaments and other student-athlete pro-
26 grams (including venues and equipment pro-

1 vided for games and practices, lodging and
2 transportation, media contracts, licensees, spon-
3 sors, and other fulfillment partners who deliver
4 essential elements of the tournaments, and
5 overall budgets);

6 (B) studying the NCAA constitution, poli-
7 cies, and practices that affect gender equity be-
8 tween men's and women's college sports teams;
9 and

10 (C) recommendations, based on such find-
11 ings, on policy changes that could better pro-
12 mote and advance gender equity in NCAA oper-
13 ations;

14 (2) an assessment of whether the NCAA has
15 acted on such recommendations or made other policy
16 changes that affect gender equity in its operations;
17 and

18 (3) an analysis of how the Federal Government
19 supports NCAA operations, and recommendations
20 for improved Federal oversight of NCAA's pro-
21 motion of gender equity.

22 **SEC. 4. MEMBERSHIP.**

23 (a) NUMBER AND APPOINTMENT.—The Commission
24 shall be composed of 16 members, of which—

1 (1) 4 members will be appointed by the Speaker
2 of the House of Representatives, in consultation with
3 the Chair of the Committee on Education and Labor
4 of the House of Representatives;

5 (2) 4 members will be appointed by the Minor-
6 ity Leader of the House of Representatives, in con-
7 sultation with the ranking minority member of the
8 Committee on Education and Labor of the House of
9 Representatives;

10 (3) 4 members will be appointed by the Major-
11 ity Leader of the Senate, in consultation with the
12 Chair of the Committee on Commerce, Science, and
13 Transportation of the Senate; and

14 (4) 4 members will be appointed by the Minor-
15 ity Leader of the Senate, in consultation with the
16 ranking minority member of the Committee on Com-
17 merce, Science, and Transportation of the Senate.

18 (b) QUALIFICATIONS.—An individual appointed to
19 serve as a member of the Commission shall be an indi-
20 vidual with experience or professional expertise in college
21 sports, gender equity, or compliance with title IX of the
22 Education Amendments of 1972 (20 U.S.C. 1681 et seq.),
23 with special consideration given to former college athletes,
24 coaches, or athletic administrators.

1 (c) TERMS.—Each member of the Commission shall
2 be appointed for the life of the Commission.

3 (d) COMPENSATION.—

4 (1) IN GENERAL.—Members of the Commission
5 shall serve without pay.

6 (2) TRAVEL EXPENSES.—Each member of the
7 Commission shall receive travel expenses, including
8 per diem in lieu of subsistence, in accordance with
9 applicable provisions under subchapter I of chapter
10 57 of title 5, United States Code.

11 (e) QUORUM.—A simple majority of members of the
12 Commission shall constitute a quorum but a lesser number
13 may hold hearings.

14 (f) CO-CHAIRS.—Two Commission Co-chairs shall be
15 elected by the members of the Commission.

16 (g) VACANCIES.—A vacancy on the Commission shall
17 not affect the powers of the Commission, and such vacancy
18 shall be filled in the same manner in which the original
19 appointment was made.

20 (h) MEETINGS.—The Commission shall have at least
21 one public meeting at the call of the majority of its mem-
22 bers. Such meeting shall take place not later than 30 days
23 after all members of the Commission are appointed under
24 subsection (a).

1 **SEC. 5. DIRECTOR; STAFF OF COMMISSION.**

2 (a) DIRECTOR.—The Commission shall have a Direc-
3 tor who shall be appointed by the Co-chairs, with the ap-
4 proval of the Commission. To the extent or in the amounts
5 provided in advance in appropriation Acts the Director
6 shall be paid at the rate of basic pay for level IV of the
7 Executive Schedule.

8 (b) STAFF.—Subject to rules agreed upon by the
9 Commission, the Director may appoint and fix the pay of
10 additional personnel as the Director considers appropriate.

11 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
12 LAWS.—The Director and staff of the Commission may
13 be appointed without regard to the provisions of title 5,
14 United States Code, governing appointments in the com-
15 petitive service, and may be paid without regard to the
16 provisions of chapter 51 and subchapter III of chapter 53
17 of that title relating to classification and General Schedule
18 pay rates, except that an individual so appointed may not
19 receive pay in excess of the annual rate of basic pay for
20 level IV of the Executive Schedule.

21 (d) PERSONNEL AS FEDERAL EMPLOYEES.—

22 (1) IN GENERAL.—The Director and any per-
23 sonnel of the Commission who are employees shall
24 be employees under section 2105 of title 5, United
25 States Code.

1 (2) MEMBERS OF COMMISSION.—Paragraph (1)
2 shall not be construed to apply to members of the
3 Commission.

4 (e) EXPERTS AND CONSULTANTS.—Subject to rules
5 prescribed by the Commission, the Commission may pro-
6 cure temporary and intermittent services under section
7 3109(b) of title 5, United States Code, but at rates for
8 individuals not to exceed the daily rate paid to a person
9 occupying a position at level V of the Executive Schedule
10 under section 5315 of title 5, United States Code.

11 **SEC. 6. POWERS OF COMMISSION.**

12 (a) HEARINGS AND SESSIONS.—The Commission
13 may, for the purpose of carrying out this Act, hold public
14 hearings, sit and act at times and places, take testimony,
15 and receive evidence as the Commission considers appro-
16 priate. The Commission may administer oaths or affirma-
17 tions to witnesses appearing before it. A hearing or any
18 portion of it may be closed to the public by a majority
19 vote of the Commission.

20 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
21 ber or agent of the Commission may, if authorized by the
22 Commission, take any action which the Commission is au-
23 thorized to take by this section.

24 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

1 (1) GENERAL SERVICES ADMINISTRATION.—

2 The Administrator of General Services shall provide
3 to the Commission on a reimbursable basis adminis-
4 trative support and other services for the perform-
5 ance of the Commission's functions.

6 (2) OTHER DEPARTMENTS AND AGENCIES.—In

7 addition to the assistance prescribed in paragraph
8 (1), departments and agencies of the United States
9 may provide to the Commission such services, funds,
10 facilities, staff, and other support services as they
11 may determine advisable and as may be authorized
12 by law.

13 (d) GIFTS.—The Commission may accept, use, and
14 dispose of gifts or donations of services or property.

15 (e) POSTAL SERVICES.—The Commission may use
16 the United States mails in the same manner and under
17 the same conditions as departments and agencies of the
18 United States.

19 (f) SUBPOENA POWER.—

20 (1) IN GENERAL.—The Commission may issue
21 subpoenas, in a case in which the majority of its
22 members vote for the issuance of such a subpoena,
23 requiring the attendance and testimony of witnesses
24 and the production of any evidence relating to any
25 matter under investigation by the Commission. The

1 attendance of witnesses and the production of evi-
2 dence may be required from any place within the
3 United States at any designated place of hearing
4 within the United States.

5 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
6 son refuses to obey a subpoena issued under para-
7 graph (1), the Commission may apply to a United
8 States district court for an order requiring that per-
9 son to appear before the Commission to give testi-
10 mony, produce evidence, or both, relating to the
11 matter under investigation. The application may be
12 made within the judicial district where the hearing
13 is conducted or where that person is found, resides,
14 or transacts business. Any failure to obey the order
15 of the court may be punished by the court as civil
16 contempt.

17 (3) SERVICE OF SUBPOENAS.—The subpoenas
18 of the Commission shall be served in the manner
19 provided for subpoenas issued by a United States
20 district court under the Federal Rules of Civil Pro-
21 cedure for the United States district courts.

22 (4) SERVICE OF PROCESS.—All process of any
23 court to which application is made under paragraph
24 (2) may be served in the judicial district in which

1 the person required to be served resides or may be
2 found.

3 (g) CONTRACT AUTHORITY.—To the extent or in the
4 amounts provided in advance in appropriation Acts, the
5 Commission may contract with and compensate govern-
6 ment and private agencies or persons to enable the Com-
7 mission to discharge its duties under this Act and other
8 services, without regard to section 6101 of title 41, United
9 States Code.

10 **SEC. 7. TERMINATION.**

11 (a) IN GENERAL.—The Commission, and all the au-
12 thorities of this Act, shall terminate 60 days after the date
13 on which the report is submitted under section 3(b).

14 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
15 NATION.—The Commission may use the 60-day period re-
16 ferred to in subsection (a) for the purpose of concluding
17 its activities, including providing testimony to committees
18 of Congress concerning its report and disseminating the
19 report.

20 **SEC. 8. FUNDING.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated such sums as necessary to
23 carry out this Act, of which—

24 (1) 50 percent shall be derived from the appli-
25 cable accounts of the House of Representatives; and

1 (2) 50 percent shall be derived from the contin-
2 gent fund of the Senate.

3 (b) DURATION OF AVAILABILITY.—Amounts made
4 available to the Commission under subsection (a) shall re-
5 main available until the termination of the Commission.