

MOTION TO RECOMMIT H.R. 28

Ms. Adams of North Carolina moves to recommit the bill H.R. 28 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause, and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fair Play for Women
3 Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) More than 50 years ago, Congress passed
7 title IX of the Education Amendments of 1972 (re-
8 ferred to in this section as “title IX”), helping to
9 transform participation in and support for women’s
10 sports by barring discrimination on the basis of sex
11 in all schools that receive Federal funding, including
12 in their athletic programs.

13 (2) Since the passage of title IX, millions more
14 women and girls have had the opportunity to com-
15 pete in school-based athletics. In high school ath-

1 letics, athletic participation opportunities have in-
2 creased from nearly 300,000 in 1972 to more than
3 3,400,000 in 2019. In intercollegiate athletics, op-
4 portunities have increased from nearly 30,000 in
5 1972 to 215,000 in 2020 on teams sponsored by in-
6 stitutions who are members of the National Colle-
7 giate Athletic Association (referred to in this section
8 as the “NCAA”).

9 (3) Despite progress, women and girls still face
10 unequal opportunities and unfair treatment in
11 school-based athletics. In high school athletics, girls
12 have over 1,000,000 fewer athletic opportunities
13 than boys, with schools providing girls with 43 per-
14 cent of all athletic opportunities while girls represent
15 nearly half of all students. In intercollegiate ath-
16 letics, colleges would need to provide women with an
17 additional 148,000 sports opportunities to match the
18 same ratio of sports opportunities per student as is
19 offered to men. Overall, girls still do not have the
20 participation opportunities provided to boys before
21 the enactment of title IX, over 50 years ago.

22 (4) Girls of color are often most impacted by
23 unequal resources and unfair treatment. At high
24 schools predominantly attended by white students,
25 girls have 82 percent of the opportunities that boys

1 have to play sports, while at high schools predomi-
2 nantly attended by students of color, girls have only
3 67 percent of the opportunities that boys have to
4 play sports.

5 (5) As part of title IX athletics requirements,
6 schools can show they are compliant by providing
7 athletic participation opportunities for men and
8 women that are substantially proportionate to their
9 respective enrollment rates. Yet, a Government Ac-
10 countability Office report from 2024 found that 93
11 percent of all colleges had athletic participation rates
12 for women that were lower than their enrollment
13 rate at the colleges. At 63 percent of colleges, wom-
14 en's athletic participation rates were at least 10 per-
15 centage points lower than their enrollment rates.
16 Overall, the athletic participation rate for collegiate
17 women was 14 percent less than their enrollment
18 rate. Despite widespread noncompliance with title IX
19 athletics requirements, no college has ever had Fed-
20 eral funding rescinded nor been sued by the Federal
21 government for noncompliance.

22 (6) The magnitude of current gaps in intercolle-
23 giate athletics participation opportunities is likely
24 undercounted, as investigations of intercollegiate
25 athletics data have found that the majority of NCAA

1 member institutions inflate the number of women
2 participating in sports by double- and triple-counting
3 women athletes who participate in more than one
4 sport more often than the institutions double- and
5 triple-count their counterparts who are men, count-
6 ing men who are practice players on women's teams
7 as women athletes, and packing women's teams with
8 extra players who never end up competing.

9 (7) Women and girls in sports also face unfair
10 treatment. They are frequently provided worse facili-
11 ties, equipment, and uniforms than men and boys,
12 and they receive less financial support and publicity
13 from their schools. In the 2019–2020 academic year,
14 women received \$252,000,000 less than men in ath-
15 letic-based scholarships, and for every dollar colleges
16 spent on recruiting, travel, and equipment for men's
17 sports, they spent 58 cents, 62 cents, and 73 cents,
18 respectively, for women's sports.

19 (8) Amid ongoing unfair treatment, athletes
20 and athletics-related staff too often are unaware of
21 the rights and obligations provided by title IX. In
22 surveys of children and their parents, the majority
23 report not knowing what title IX is. A study con-
24 ducted by the Government Accountability Office in
25 2017 found that most high school athletic adminis-

1 trators were unaware of who their title IX coordi-
2 nator was or felt unsupported by their title IX coordi-
3 nator. In intercollegiate athletics, most coaches re-
4 port that they never received formal training about
5 title IX as part of the preparation for their jobs.

6 **SEC. 3. PURPOSES.**

7 The purposes of this Act are to—

8 (1) address unfair and discriminatory treatment
9 of women and girls in sports in elementary and sec-
10 ondary schools, as well as institutions of higher edu-
11 cation;

12 (2) improve the collection and transparency of
13 data pertaining to participation in and support for
14 women’s and girls’ sports at schools receiving Fed-
15 eral financial assistance;

16 (3) ensure all students participating in ath-
17 letics, as well as those who work in school-sponsored
18 athletics, are aware of and understand the non-
19 discrimination rights of students related to their
20 athletic opportunities; and

21 (4) ensure all students have equal access to
22 high-quality and supportive athletic opportunities.

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

1 (1) ESEA TERMS.—The terms “elementary
2 school” and “secondary school” have the meanings
3 given those terms in section 8101 of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 7801).

6 (2) COLLEGIATE.—The term “collegiate”, used
7 with respect to athletics, means intramural and club-
8 level athletics or other athletics, in which all partici-
9 pants attend the same covered institution of higher
10 education.

11 (3) COVERED INSTITUTION OF HIGHER EDU-
12 CATION.—The term “covered institution of higher
13 education” means an entity that is described in sec-
14 tion 908(2)(A) of the Education Amendments of
15 1972 (20 U.S.C. 1687(2)(A)) and covered by section
16 908 of those Amendments (20 U.S.C. 1687).

17 (4) COVERED LOCAL EDUCATIONAL AGENCY.—
18 The term “covered local educational agency” means
19 such an agency that is described in section
20 908(2)(B) of the Education Amendments of 1972
21 (20 U.S.C. 1687(2)(B)) and covered by section 908
22 of those Amendments.

23 (5) INTERCOLLEGIATE ATHLETIC ASSOCIA-
24 TION.—The term “intercollegiate athletic associa-
25 tion” means any conference, association, or other

1 group or organization, established by or comprised
2 of 2 or more covered institutions of higher edu-
3 cation, that—

4 (A) governs competitions among, or other-
5 wise exercises authority over intercollegiate ath-
6 letics at, such institutions of higher education
7 who are members of or under the authority of
8 the intercollegiate athletic association; and

9 (B) is engaged in commerce or an industry
10 or activity affecting commerce.

11 (6) STATE ATHLETIC ASSOCIATION.—The term
12 “State athletic association” means any association,
13 organization, or other group, established by or com-
14 prised of 2 or more elementary schools or secondary
15 schools that receive Federal funding, that governs
16 competition among or otherwise exercises authority
17 over elementary school, secondary school, or inter-
18 scholastic athletics, at such federally funded elemen-
19 tary schools or secondary schools.

20 (7) TITLE IX COORDINATOR.—The term “title
21 IX coordinator” means the individual who coordi-
22 nates the efforts of a covered school system to com-
23 ply with and carry out the responsibilities of the cov-
24 ered local educational agency under title IX of the

1 Education Amendments of 1972 (20 U.S.C. 1681 et
2 seq.).

3 **SEC. 5. DISCRIMINATION BY STATE AND INTERCOLLEGIATE**
4 **ATHLETIC ASSOCIATIONS, LOCAL EDU-**
5 **CATIONAL AGENCIES, AND COVERED INSTI-**
6 **TUTIONS OF HIGHER EDUCATION.**

7 (a) ELEMENTARY OR SECONDARY SCHOOL.—No
8 State athletic association or covered local educational
9 agency shall, on the basis of sex, subject any athlete to
10 discrimination with respect to elementary school, sec-
11 ondary school, or interscholastic athletics, including dis-
12 crimination through—

13 (1) the rules it sets for elementary school, sec-
14 ondary school, or interscholastic athletics;

15 (2) the sports—

16 (A) required for membership in a State
17 athletic association;

18 (B) competitions sponsored by the State
19 athletic association or covered local educational
20 agency, respectively; or

21 (C) championships sponsored by that asso-
22 ciation or agency; or

23 (3) the location, facilities, or amenities provided
24 for competitions or championships sponsored by that
25 association or agency.

1 (b) HIGHER EDUCATION.—

2 (1) IN GENERAL.—No intercollegiate athletic
3 association or covered institution of higher education
4 shall, on the basis of sex, subject any athlete to dis-
5 crimination with respect to intercollegiate or (subject
6 to paragraph (2)) collegiate athletics, including dis-
7 crimination through—

8 (A) the rules it sets for intercollegiate ath-
9 letics or collegiate athletics;

10 (B) the sports—

11 (i) required for membership in an
12 intercollegiate athletic association, or re-
13 quired for participation in collegiate ath-
14 letics at a covered institution of higher
15 education;

16 (ii) competitions sponsored by the
17 intercollegiate athletic association, or colle-
18 giate athletic competitions sponsored by
19 the covered institution of higher education;
20 or

21 (iii) championships sponsored by the
22 intercollegiate athletic association, or colle-
23 giate athletic championships sponsored by
24 the covered institution of higher education;

1 (C) the location, facilities, or amenities
2 provided for competitions or championships
3 sponsored by the intercollegiate athletic associa-
4 tion, or for collegiate athletic competitions or
5 championships sponsored by the institution;

6 (D) the provision or arrangement for the
7 provision of goods or services (including bene-
8 fits) for competitions or championships spon-
9 sored by the intercollegiate athletic association,
10 or for collegiate athletic competitions or cham-
11 pionships sponsored by such an institution; or

12 (E) the distribution of revenues or other
13 benefits to members of or such institutions
14 under the authority of the intercollegiate ath-
15 letic association, or to teams, clubs, or other en-
16 tities participating in collegiate athletics at the
17 institution.

18 (2) LIMITATION.—Only a covered institution of
19 higher education may be considered to have com-
20 mitted a violation of paragraph (1) with respect to
21 collegiate athletics.

22 (c) PRIVATE RIGHT OF ACTION.—

23 (1) IN GENERAL.—An individual who seeks to
24 participate, participates, or previously participated
25 in athletics covered under subsection (a) or (b), of-

1 ferred under the authority of an intercollegiate ath-
2 letic association or State athletic association, or by
3 a covered institution of higher education or covered
4 local educational agency, may bring an action in any
5 Federal or State court of competent jurisdiction
6 against the athletic association, institution, or agen-
7 cy involved, alleging a violation of this section.

8 (2) RELIEF.—The court may award all legal or
9 equitable relief that may be appropriate for such a
10 violation. The legal relief may include compensatory
11 damages for all injuries, including financial injuries,
12 unequal treatment, emotional distress, humiliation,
13 and pain and suffering, as well as punitive damages,
14 attorney’s fees, and expert fees.

15 (d) TRAINING.—

16 (1) ASSOCIATIONS.—Each State athletic asso-
17 ciation or intercollegiate athletic association shall en-
18 sure that each employee of the State athletic asso-
19 ciation or intercollegiate athletic association receives,
20 at least once per year, training on the provisions of
21 this section, including the rights delineated under
22 this section and the procedures for bringing actions
23 under this section.

24 (2) COVERED INSTITUTIONS OF HIGHER EDU-
25 CATION.—Each covered institution of higher edu-

1 cation shall ensure that each employee of the institu-
2 tion with an employment function relating to colle-
3 giate athletics receives, at least once per year, such
4 training.

5 (3) COVERED LOCAL EDUCATIONAL AGENCY.—
6 Each covered local educational agency shall ensure
7 that each employee of the local educational agency
8 with an employment function relating to athletics re-
9 ceives, at least once per year, such training.

10 **SEC. 6. EXPANDING ATHLETICS DISCLOSURE REQUIRE-**
11 **MENTS.**

12 (a) INSTITUTIONS OF HIGHER EDUCATION.—Section
13 485(g) of the Higher Education Act of 1965 (20 U.S.C.
14 1092(g)) is amended—

15 (1) in paragraph (1)—

16 (A) in the matter preceding subparagraph

17 (A)—

18 (i) by inserting “collegiate (including
19 intramural and club-level) or” before
20 “intercollegiate athletic program”; and

21 (ii) by inserting “collegiate and” be-
22 fore “intercollegiate athletics”;

23 (B) in subparagraph (B), by striking
24 clause (i) and inserting the following:

1 “(i) The total number of participants,
2 by team.”;

3 (C) in subparagraph (C)—

4 (i) by striking “The total amount”
5 and inserting the following: “(i) The total
6 amount”; and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(ii) For each men’s and women’s inter-
10 collegiate sport—

11 “(I) the total amount of athletically
12 related student aid;

13 “(II) the total number of athletically
14 related scholarships, and the average
15 amount of such scholarships;

16 “(III) the total number of athletically
17 related scholarships that fund the full cost
18 of tuition at the institution;

19 “(IV) the total number of athletically
20 related scholarships that fund the full cost
21 of attendance for the athlete;

22 “(V) the total number of athletically
23 related scholarships awarded for a period
24 equal to or less than one year; and

1 “(VI) the total number of athletically
2 related scholarships awarded for a period
3 equal to or greater than 4 academic
4 years.”;

5 (D) in subparagraph (E), by inserting
6 “and disaggregated by each men’s sport and
7 each women’s sport” before the period at the
8 end;

9 (E) in subparagraph (G), by inserting
10 “(which, for purposes of this subparagraph, in-
11 cludes compensation, bonuses, benefits, and
12 buyouts paid to coaches and reportable by the
13 institution or related entities, including booster
14 clubs and foundations)” before “of the head
15 coaches of men’s teams”;

16 (F) in subparagraph (H), by inserting
17 “(which, for purposes of this subparagraph, in-
18 cludes compensation, bonuses, benefits, and
19 buyouts paid to coaches and reportable by the
20 institution or related entities, including booster
21 clubs and foundations)” before “of the assistant
22 coaches of men’s teams”;

23 (G) in subparagraph (I)—

24 (i) by striking clause (i) and inserting
25 the following: “(i) The revenues from the

1 institution's intercollegiate athletics activi-
2 ties, in the aggregate and disaggregated by
3 each men's sport and each women's sport,
4 including—

5 “(I) total revenues; and

6 “(II) each category of revenues de-
7 scribed in clause (ii).”; and

8 (ii) in clause (ii)—

9 (I) by inserting “collegiate and”
10 before “intercollegiate”; and

11 (II) by striking “, and adver-
12 tising, but revenues” and all that fol-
13 lows through the period at the end
14 and inserting “, advertising, and, to
15 the extent practicable, student activi-
16 ties fees and alumni contributions.”;

17 (H) by striking clause (i) of subparagraph
18 (J) and inserting the following: “(i) The ex-
19 penses made by the institution for the institu-
20 tion's intercollegiate athletics activities, in the
21 aggregate and disaggregated by each men's
22 sport and each women's sport, including—

23 “(I) total expenses; and

24 “(II) each category of expenses as de-
25 scribed in clause (ii).”; and

1 (I) by adding at the end the following:

2 “(K) The numbers of participants who
3 participate in 1, 2, or 3 intercollegiate sports at
4 the institution, in the aggregate and
5 disaggregated by each men’s sport and each
6 women’s sport.

7 “(L) The total number of men that prac-
8 tice on women’s intercollegiate teams, in the ag-
9 gregate and disaggregated by each women’s
10 sport.

11 “(M) Information regarding race and eth-
12 nicity for athletes and coaches (including assist-
13 ant coaches), in the aggregate and
14 disaggregated by each men’s sport and each
15 women’s sport.

16 “(N) The number of male students, and
17 the number of female students, participating in
18 collegiate (including intramural and club)
19 sports at the institution.

20 “(O) A certification that the institution
21 has verified the information submitted in the
22 report under this paragraph.

23 “(P) With respect to the sports participa-
24 tion opportunities requirements under title IX
25 of the Education Amendments of 1972—

1 “(i) a certification that the institution
2 complies with such requirements by show-
3 ing—

4 “(I) substantial proportionality;

5 “(II) a history and continuing
6 practice of expanding sports participa-
7 tion opportunities; or

8 “(III) full and effective accommo-
9 dation of athletics interests; and

10 “(ii) an identification of the method of
11 compliance described in subclauses (I)
12 through (III) of clause (i) that the institu-
13 tion uses.”;

14 (2) in paragraph (2), by striking “For the pur-
15 poses of paragraph (1)(G)” and inserting “For the
16 purposes of subparagraphs (G) and (H) of para-
17 graph (1)”;

18 (3) by striking paragraph (4) and inserting the
19 following:

20 “(4) SUBMISSION; REPORT; INFORMATION
21 AVAILABILITY.—

22 “(A) INSTITUTIONAL REQUIREMENTS.—

23 Each institution of higher education described
24 in paragraph (1) shall—

1 “(i) by October 15 of each year, pro-
2 vide the information contained in the re-
3 port required under such paragraph for
4 such year to the Secretary; and

5 “(ii) by not later than February 15 of
6 each year, publish such information on a
7 public Internet website of the institution in
8 a searchable format.

9 “(B) PUBLIC AVAILABILITY.—By not later
10 than February 15 of each year, the Secretary
11 shall make the reports and information de-
12 scribed in subparagraph (A) for the imme-
13 diately preceding academic year available to the
14 public, which shall include posting the reports
15 and information on a public Internet website of
16 the Department in a searchable format.”;

17 (4) by redesignating paragraph (5) as para-
18 graph (6);

19 (5) by inserting after paragraph (4) the fol-
20 lowing:

21 “(5) REPORTS BY THE SECRETARY.—

22 “(A) IN GENERAL.—By not later than 2
23 years after the date of enactment of the Fair
24 Play for Women Act, and every 2 years there-
25 after, the Secretary shall prepare and publish a

1 report on gender equity using the information
2 submitted under this subsection.

3 “(B) CONTENTS.—The report required
4 under subparagraph (A) shall, in the aggregate
5 for all institutions of higher education described
6 in paragraph (1) and disaggregated by each in-
7 dividual institution—

8 “(i) identify participant gaps, if any,
9 by indicating the number of participants
10 that need to be added in order for partici-
11 pants of the underrepresented sex at the
12 institution to match the proportion of en-
13 rolled full-time undergraduate students of
14 the underrepresented sex at the institution;

15 “(ii) identify funding gaps, if any, by
16 showing the percentage differences, com-
17 pared to proportions of enrollment of men
18 and women at the institution, in expendi-
19 tures for athletically related student aid,
20 recruiting, promotion, and publicity in
21 intercollegiate athletics; and

22 “(iii) identify any trends evident in
23 such data that address relevant inequities
24 in intercollegiate athletics participation and
25 financial support.”; and

1 (6) in paragraph (6), as redesignated by para-
2 graph (4)—

3 (A) by striking “DEFINITION.—For the
4 purposes of this subsection, the term” and in-
5 serting the following: “DEFINITIONS.—For pur-
6 poses of this subsection:

7 “(A) OPERATING EXPENSES.—The term”;
8 and

9 (B) by adding at the end the following:

10 “(B) PARTICIPANT.—The term ‘partici-
11 pant’ means an athlete in a sport who—

12 “(i)(I) is receiving the institutionally
13 sponsored support normally provided to
14 athletes competing at the institution in-
15 volved on a regular basis during the sport’s
16 season;

17 “(II) is participating in organized
18 practice sessions and other team meetings
19 and activities on a regular basis during the
20 sport’s season; and

21 “(III) is listed on the eligibility or
22 squad list maintained for the sport; or

23 “(ii) due to injury, does not meet the
24 requirements of clause (i) but continues to

1 receive financial aid on the basis of athletic
2 ability in the sport.

3 “(C) SEASON.—The term ‘season’, when
4 used with respect to an intercollegiate team
5 sport, means the period beginning on the date
6 of a team’s first intercollegiate competitive
7 event in an academic year and ending on the
8 date of the team’s final intercollegiate competi-
9 tive event in such academic year.”.

10 (b) ELEMENTARY SCHOOL AND SECONDARY SCHOOL
11 ATHLETIC PROGRAMS.—

12 (1) IN GENERAL.—Subpart 2 of part F of title
13 VIII of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7901 et seq.) is amended by
15 adding at the end the following:

16 **“SEC. 8549D. DISCLOSURE OF STATISTICS ON EQUALITY IN**
17 **ELEMENTARY AND SECONDARY EDUCATION**
18 **ATHLETIC PROGRAMS.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) PARTICIPANT.—The term ‘participant’
21 means an athlete in a sport who participates in the
22 sport in elementary school, secondary school, or
23 interscholastic competitive events, organized practice
24 sessions, and other team meetings and activities on
25 a regular basis during the sport’s season.

1 “(2) SEASON.—The term ‘season’, when used
2 with respect to a team sport, means the period be-
3 ginning on the date of a team’s first athletic com-
4 petition in an academic year and ending on the date
5 of the team’s final interscholastic athletic competi-
6 tion in such academic year.

7 “(3) STATE ATHLETIC ASSOCIATION.—The
8 term ‘State athletic association’ has the meaning
9 given the term in section 4 of the Fair Play for
10 Women Act.

11 “(b) IN GENERAL.—The Secretary shall collect annu-
12 ally, from each coeducational elementary school and sec-
13 ondary school that receives Federal financial assistance
14 and has an athletic program, a report that includes the
15 following information for the immediately preceding aca-
16 demic year:

17 “(1) The total number of students that at-
18 tended the school, fully disaggregated and cross-tab-
19 ulated by sex and race or ethnicity.

20 “(2) A listing of the school’s teams that com-
21 peted in athletic competition and for each such team
22 the following data:

23 “(A) The season in which the team com-
24 peted.

1 “(B) The total number of participants,
2 fully disaggregated and cross-tabulated by sex
3 and race or ethnicity and level of competition.

4 “(C) The total expenditures for the team
5 from all sources, including school funds and
6 funds provided by any other entities, such as
7 booster organizations, including the following
8 data:

9 “(i) The travel expenditures.

10 “(ii) The equipment expenditures (in-
11 cluding any equipment replacement sched-
12 ule).

13 “(iii) The uniform expenditures (in-
14 cluding any uniform replacement sched-
15 ule).

16 “(iv) The expenditures for facilities,
17 including medical facilities, locker rooms,
18 fields, and gymnasiums.

19 “(v) The total number of trainers and
20 medical personnel, and for each trainer or
21 medical personnel an identification of such
22 individual’s—

23 “(I) sex; and

24 “(II) employment status (includ-
25 ing whether such individual is as-

1 signed to the team full-time or part-
2 time, and whether such individual is a
3 head or assistant trainer or medical
4 services provider) and duties other
5 than providing training or medical
6 services.

7 “(vi) The expenditures for publicity
8 for competitions.

9 “(vii) The total salary expenditures
10 for coaches, including compensation, bene-
11 fits, and bonuses, the total number of
12 coaches, and for each coach an identifica-
13 tion of such coach’s—

14 “(I) sex; and

15 “(II) employment status (includ-
16 ing whether such coach is assigned to
17 the team full-time or part-time, and
18 whether such coach is a head or as-
19 sistant coach) and duties other than
20 coaching.

21 “(D) The total number of competitive
22 events (in regular and nontraditional seasons)
23 scheduled, and for each an indication of what
24 day of the week and time the competitive event
25 was scheduled.

1 “(E) Whether such team participated in
2 postseason competition, and the success of such
3 team in any postseason competition.

4 “(c) DISCLOSURE TO STUDENTS AND PUBLIC.—A
5 school described in subsection (b) shall—

6 “(1) by October 15 of each year, make available
7 to students, potential students, and parents of stu-
8 dents and potential students, upon request, and to
9 the public, the report and information required of
10 the school under such subsection for such year; and

11 “(2) ensure that all students and parents at the
12 school are informed of their right to request such re-
13 port and information.

14 “(d) SUBMISSION; INFORMATION AVAILABILITY.—
15 On an annual basis, each school described in subsection
16 (b) shall provide the report required under such sub-
17 section, and the information contained in such report, to
18 the Secretary not later than 15 days after the date that
19 the school makes such report and information available
20 under subsection (c).

21 “(e) DUTIES OF THE SECRETARY.—The Secretary
22 shall—

23 “(1) ensure that reports and information sub-
24 mitted under subsection (d) are available on the
25 same public website, and searchable in the same

1 manner, as the reports and information made avail-
2 able under section 485(g)(4)(B) of the Higher Edu-
3 cation Act of 1965; and

4 “(2) not later than 180 days after the date of
5 enactment of the Fair Play for Women Act—

6 “(A) notify all elementary schools, sec-
7 ondary schools, and State athletic associations
8 in all States regarding the availability of the re-
9 ports and information under subsection (c); and

10 “(B) issue guidance to all such elementary
11 schools, secondary schools, and State athletic
12 associations on how to collect and report the in-
13 formation required under this section.”.

14 (2) CONFORMING AMENDMENT.—The table of
15 contents in section 2 of the Elementary and Sec-
16 ondary Education Act of 1965 is amended by insert-
17 ing after the item relating to section 8549C the fol-
18 lowing:

“Sec. 8549D. Disclosure of statistics on equality in elementary and secondary
education athletic programs.”.

19 **SEC. 7. TRAINING AND INFORMATION FOR ATHLETES AND**
20 **EMPLOYEES.**

21 (a) TRAINING.—

22 (1) COVERED LOCAL EDUCATIONAL AGENCY.—

23 (A) EMPLOYEES.—Each covered local edu-
24 cational agency shall ensure that each title IX

1 coordinator, and each employee who works with
2 athletics or teaches physical education or
3 health, for the covered local educational agency
4 receives, at least once per year, training on the
5 rights under title IX of the Education Amend-
6 ments of 1972 (20 U.S.C. 1681 et seq.) of stu-
7 dents at elementary schools or secondary
8 schools, and procedures for submitting com-
9 plaints of violations under title IX of the Edu-
10 cation Amendments of 1972 to the Office for
11 Civil Rights of the Department of Education.

12 (B) ELEMENTARY AND SECONDARY
13 SCHOOL ATHLETES.—Each covered local edu-
14 cational agency shall ensure that—

15 (i) a title IX coordinator for the cov-
16 ered local educational agency provides
17 training to athletes at elementary schools
18 or secondary schools served by the covered
19 local educational agency on the rights of
20 the athletes under title IX of the Edu-
21 cation Amendments of 1972, and proce-
22 dures for submitting complaints of viola-
23 tions of that title to the Office for Civil
24 Rights of the Department of Education;
25 and

1 (ii) each such athlete receives that
2 training at least once per year.

3 (2) COVERED INSTITUTIONS OF HIGHER EDU-
4 CATION.—

5 (A) EMPLOYEES.—Each covered institu-
6 tion of higher education shall ensure that each
7 employee of the athletic department of the cov-
8 ered institution of higher education and each
9 employee of the institution with an employment
10 function relating to collegiate athletics receives,
11 at least once per year, training on the rights
12 under title IX of the Education Amendments of
13 1972 (20 U.S.C. 1681 et seq.) of students at
14 covered institutions of higher education, and
15 procedures for submitting complaints of viola-
16 tions of title IX of the Education Amendments
17 of 1972 to the Office for Civil Rights of the De-
18 partment of Education.

19 (B) POSTSECONDARY SCHOOL ATH-
20 LETES.—Each covered institution of higher
21 education shall ensure that—

22 (i) an expert in matters relating to
23 title IX of the Education Amendments of
24 1972, who is not an employee described in
25 subparagraph (A) of the covered institu-

1 tion of higher education, provides training
2 to athletes at the covered institution of
3 higher education on the rights of the ath-
4 letes under title IX of the Education
5 Amendments of 1972 (20 U.S.C. 1681 et
6 seq.), and procedures for submitting com-
7 plaints of violations of that title to the Of-
8 fice for Civil Rights of the Department of
9 Education; and

10 (ii) each such athlete receives that
11 training at least once per year.

12 (b) DATABASE.—The Secretary of Education shall
13 establish and maintain a database of title IX coordinators,
14 which shall be separate from the civil rights coordinators
15 data maintained by the Office for Civil Rights of the De-
16 partment of Education. The database shall include, at a
17 minimum, the name, phone number, and email address for
18 each title IX coordinator. The Secretary shall make the
19 information in the database available to the public with,
20 and by the same means as, reports made available under
21 section 485(g)(4)(B) of the Higher Education Act of 1965
22 (20 U.S.C. 1092(g)(4)(B)).

1 **SEC. 8. ADMINISTRATIVE ENFORCEMENT THROUGH CIVIL**
2 **PENALTIES.**

3 (a) **NONCOMPLIANCE.**—The Secretary of Education
4 shall determine, at the beginning of each year, each cov-
5 ered institution of higher education, covered local edu-
6 cational agency, elementary school, or secondary school
7 that was found during the prior year to be in noncompli-
8 ance with a requirement of section 7, or of title IX of the
9 Education Amendments of 1972 (20 U.S.C. 1681 et seq.).
10 Such administrative proceeding shall be conducted in the
11 same manner as an administrative proceeding under sec-
12 tion 902 of the Education Amendments of 1972 (20
13 U.S.C. 1682).

14 (b) **CIVIL PENALTY.**—If the Secretary of Education
15 determines under subsection (a) that a covered institution
16 of higher education, covered local educational agency, ele-
17 mentary school, or secondary school was in such non-
18 compliance during the prior year, the Secretary may im-
19 pose a civil penalty on such institution, agency, or school.

20 (c) **FURTHER NONCOMPLIANCE.**—If the Secretary of
21 Education determines under subsection (a) that a covered
22 institution of higher education, covered local educational
23 agency, elementary school, or secondary school was in such
24 noncompliance during 2 or more of the prior 5 years, the
25 Secretary shall—

1 (1) require such covered institution, covered
2 local educational agency, elementary school, or sec-
3 ondary school to submit, not later than 120 days
4 after receiving notice of the determination, a plan
5 for coming into compliance with all requirements of
6 section 7, and of title IX of the Education Amend-
7 ments of 1972 (20 U.S.C. 1681 et seq.); and

8 (2) make the report publicly available.

9 **SEC. 9. RULE OF CONSTRUCTION.**

10 Nothing in this Act shall be construed to imply that
11 intercollegiate athletic associations, State athletic associa-
12 tions, covered institutions of higher education, or covered
13 local educational agencies—

14 (1) are not covered by title IX of the Education
15 Amendments of 1972 (20 U.S.C. 1681 et seq.); or

16 (2) were not covered by that title on the day be-
17 fore the date of enactment of this Act.

