

117TH CONGRESS
2D SESSION

S. 5307

To prohibit certain discrimination against athletes on the basis of sex by intercollegiate athletic associations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2022

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit certain discrimination against athletes on the basis of sex by intercollegiate athletic associations, 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. SHORT TITLE.**

4 This Act may be cited as the “Fair Play for Women
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) 50 years ago, Congress passed title IX of
9 the Education Amendments of 1972 (referred to in
10 this section as “title IX”), helping to transform par-

1 participation in and support for women’s sports by bar-
2 ring discrimination on the basis of sex in all schools
3 that receive Federal funding, including in their ath-
4 letic programs.

5 (2) Since the passage of title IX, millions more
6 women and girls have had the opportunity to com-
7 pete in interscholastic athletics. At the high school
8 level, athletic participation opportunities have in-
9 creased from nearly 300,000 in 1972 to more than
10 3,400,000 in 2019. At the collegiate level, opportuni-
11 ties have increased from nearly 30,000 in 1972 to
12 215,000 in 2020 on teams sponsored by institutions
13 who are members of the National Collegiate Athletic
14 Association (referred to in this section as the
15 “NCAA”).

16 (3) Despite progress, women and girls still face
17 unequal opportunities. At the high school level, girls
18 have over 1,000,000 fewer athletic opportunities
19 than boys, with schools providing girls with 43 per-
20 cent of all athletic opportunities while girls represent
21 nearly half of all students. At the collegiate level,
22 colleges would need to provide women with an addi-
23 tional 148,000 sports opportunities to match the
24 same ratio of sports opportunities per student as is
25 offered to men.

1 (4) Girls of color are often most impacted by
2 inequitable opportunities. At high schools predomi-
3 nantly attended by White students, girls have 82
4 percent of the opportunities that boys have to play
5 sports, while at high schools predominantly attended
6 by students of color, girls have only 67 percent of
7 the opportunities that boys have to play sports.

8 (5) The magnitude of current gaps in intercolle-
9 giate participation opportunities is likely under-
10 counted, as investigations of intercollegiate athletics
11 data have found that the majority of NCAA member
12 institutions inflate the number of women partici-
13 pating in sports by double- and triple-counting
14 women athletes who participate in more than one
15 sport more often than the institutions double- and
16 triple-count their male counterparts, counting male
17 practice players on women's teams as women ath-
18 letes, and packing women's teams with extra players
19 who never end up competing.

20 (6) Women and girls in sports also face unequal
21 treatment. They are frequently provided worse facili-
22 ties, equipment, and uniforms than men and boys,
23 and they receive less financial support and publicity
24 from their schools, as women receive \$240,000,000
25 less than men in athletic-based scholarships annu-

ally. For every dollar colleges spend on recruiting, travel, and equipment for men's sports, they spend 58 cents, 62 cents, and 73 cents, respectively, for women's sports.

(7) Amid ongoing inequitable treatment, athletes and athletics-related staff too often are unaware of the rights and obligations that are described in or come from title IX. In surveys of children and their parents, the majority report not knowing what title IX is. A study conducted by the Government Accountability Office in 2017 found that the majority of high school athletic administrators were unaware of who their title IX coordinator was or felt unsupported by their title IX coordinator. In collegiate sports, the majority of coaches report that they never received formal training about title IX as part of the preparation for their jobs.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) address inequitable and discriminatory treatment of women and girls in sports in elementary and secondary schools, as well as institutions of higher education; and

(2) improve the collection and transparency of data pertaining to participation in and support for

1 women's and girls' sports at schools receiving Fed-
 2 eral financial assistance.

3 **SEC. 4. DISCRIMINATION BY INTERCOLLEGIATE ATHLETIC**
 4 **ASSOCIATIONS.**

5 (a) IN GENERAL.—No intercollegiate athletic associa-
 6 tion shall, on the basis of sex, subject any athlete to dis-
 7 crimination with respect to intercollegiate athletics, includ-
 8 ing discrimination through—

9 (1) the rules it sets for intercollegiate athletics;

10 (2) the sports required for association member-
 11 ship or the sports sponsored for association competi-
 12 tions or supported with association championships;

13 (3) the location, facilities, or amenities provided
 14 for association competitions or championships;

15 (4) the provision or arrangement for the provi-
 16 sion of goods or services (including benefits) for as-
 17 sociation competitions or championships; or

18 (5) the distribution of revenues or other bene-
 19 fits to association members or institutions under the
 20 authority of the association.

21 (b) PRIVATE RIGHT OF ACTION.—A covered institu-
 22 tion of higher education that is a member of or under the
 23 authority of an intercollegiate athletic association, or an
 24 individual who applies to participate, participates, or pre-
 25 viously participated in intercollegiate athletics, at a cov-

1 ered institution of higher education that is a member of
 2 or under the authority of an intercollegiate athletic asso-
 3 ciation, may bring an action in any Federal or State court
 4 of competent jurisdiction against the intercollegiate ath-
 5 letic association to remedy a violation of this section. The
 6 court may award such legal or equitable relief as may be
 7 appropriate for such a violation. The legal relief may in-
 8 clude compensatory damages for emotional distress, hu-
 9 miliation, or pain and suffering.

10 (c) TRAINING.—Each intercollegiate athletic associa-
 11 tion shall ensure that each employee of the association re-
 12 ceives, at least once per year, training on the provisions
 13 of this section, including the rights delineated under this
 14 section and the procedures for bringing actions under this
 15 section.

16 (d) DEFINITIONS.—In this section:

17 (1) COVERED INSTITUTION OF HIGHER EDU-
 18 CATION.—The term “covered institution of higher
 19 education” means an entity described in section
 20 908(2)(A) of the Education Amendments of 1972
 21 (20 U.S.C. 1687(2)(A)).

22 (2) INTERCOLLEGIATE ATHLETIC ASSOCIA-
 23 TION.—The term “intercollegiate athletic associa-
 24 tion” means any conference, association, or other
 25 group or organization, established by or comprised

1 of 2 or more covered institutions of higher edu-
 2 cation, that—

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

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

10 **SEC. 5. EXPANDING EQUITY IN ATHLETICS DISCLOSURE**
 11 **REQUIREMENTS.**

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 subparagraph (B), by striking
 17 clause (i) and inserting the following:

18 “(i) The total number of participants,
 19 by team.”;

20 (B) in subparagraph (C)—

21 (i) by striking “The total amount”
 22 and inserting the following: “(i) The total
 23 amount”; and

24 (ii) by adding at the end the fol-
 25 lowing:

1 “(ii) For each men’s and women’s sport—

2 “(I) the total amount of athletically
3 related student aid;

4 “(II) the total number of athletically
5 related scholarships, and the average
6 amount of such scholarships;

7 “(III) the total number of athletically
8 related scholarships that fund the full cost
9 of tuition at the institution;

10 “(IV) the total number of athletically
11 related scholarships that fund the full cost
12 of attendance for the athlete;

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

16 “(VI) the total number of athletically
17 related scholarships awarded for a period
18 equal to or greater than 4 academic
19 years.”;

20 (C) in subparagraph (E), by inserting
21 “and disaggregated by each men’s sport and
22 each women’s sport” before the period at the
23 end;

24 (D) in subparagraph (G), by inserting
25 “(which, for purposes of this subparagraph, in-

cludes compensation, bonuses, benefits, and
 buyouts paid to coaches and reportable by the
 institution or related entities, including booster
 clubs and foundations)” before “of the head
 coaches of men’s teams”;

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

(F) in subparagraph (I)—

(i) by striking clause (i) and inserting
 the following: “(i) The revenues from the
 institution’s intercollegiate athletics activi-
 ties, in the aggregate and disaggregated by
 each men’s sport and each women’s sport,
 including—

“(I) total revenues; and

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

(ii) in clause (ii), by striking “, and
 advertising, but revenues” and all that fol-
 lows through the period at the end and in-

1 serting “, advertising, and, to the extent
2 practicable, student activities fees and
3 alumni contributions.”;

4 (G) by striking clause (i) of subparagraph
5 (J) and inserting the following: “(i) The ex-
6 penses made by the institution for the institu-
7 tion’s intercollegiate athletics activities, in the
8 aggregate and disaggregated by each men’s
9 sport and each women’s sport, including—

10 “(I) total expenses; and

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

13 (H) by adding at the end the following:

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

19 “(L) The total number of male players
20 that practice on women’s teams, in the aggre-
21 gate and disaggregated by each women’s sport.

22 “(M) Information regarding race and eth-
23 nicity for athletes and coaches (including assist-
24 ant coaches), in the aggregate and

1 disaggregated by each men’s sport and each
2 women’s sport.

3 “(N) A certification that the institution
4 has verified the information submitted in the
5 report under this paragraph.

6 “(O) With respect to the sports participa-
7 tion opportunities requirements under title IX
8 of the Education Amendments of 1972—

9 “(i) a certification that the institution
10 complies with such requirements by show-
11 ing—

12 “(I) substantial proportionality;

13 “(II) a history and continuing
14 practice of expanding sports participa-
15 tion opportunities; or

16 “(III) full and effective accommo-
17 dation of athletics interests; and

18 “(ii) an identification of the method of
19 compliance described in subclauses (I)
20 through (III) of clause (i) that the institu-
21 tion uses.”;

22 (2) in paragraph (2), by striking “For the pur-
23 poses of paragraph (1)(G)” and inserting “For the
24 purposes of subparagraphs (G) and (H) of para-
25 graph (1)”;

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

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

“(A) INSTITUTIONAL REQUIREMENTS.—

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

“(i) by October 15 of each year, provide the information contained in the report required under such paragraph for such year to the Secretary; and

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

“(B) PUBLIC AVAILABILITY.—By not later than February 15 of each year, the Secretary shall make the reports and information described in subparagraph (A) for the immediately preceding academic year available to the public, which shall include posting the reports and information on a public Internet website of the Department in a searchable format.”;

(4) by redesignating paragraph (5) as paragraph (6);

1 (5) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) REPORTS BY THE SECRETARY.—

4 “(A) IN GENERAL.—By not later than 2
5 years after the date of enactment of the Fair
6 Play for Women Act, and every 2 years there-
7 after, the Secretary shall prepare and publish a
8 report on gender equity using the information
9 submitted under this subsection.

10 “(B) CONTENTS.—The report required
11 under subparagraph (A) shall, in the aggregate
12 for all institutions of higher education described
13 in paragraph (1) and disaggregated by each in-
14 dividual institution—

15 “(i) identify participant gaps, if any,
16 by indicating the number of participants
17 that need to be added in order for partici-
18 pants of the underrepresented sex at the
19 institution to match the proportion of en-
20 rolled full-time undergraduate students of
21 the underrepresented sex at the institution;

22 “(ii) identify funding gaps, if any, by
23 showing the percentage differences, com-
24 pared to proportions of male and female
25 enrollment at the institution, in expendi-

tures for athletically related student aid,
recruiting, promotion, and publicity in
intercollegiate athletics; and

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

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

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

“(A) OPERATING EXPENSES.—The term”;

and

(B) by adding at the end the following:

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

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

“(II) is participating in organized
practice sessions and other team meetings

1 and activities on a regular basis during the
 2 sport's season; and

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

5 “(ii) due to injury, does not meet the
 6 requirements of clause (i) but continues to
 7 receive financial aid on the basis of athletic
 8 ability in the sport.

9 “(C) SEASON.—The term ‘season’, when
 10 used with respect to a team sport, means the
 11 period beginning on the date of a team's first
 12 intercollegiate competitive event in an academic
 13 year and ending on the date of the team's final
 14 intercollegiate competitive event in such aca-
 15 demic year.”.

16 (b) ELEMENTARY SCHOOL AND SECONDARY SCHOOL
 17 ATHLETIC PROGRAMS.—

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

22 **“SEC. 8549D. DISCLOSURE OF STATISTICS ON EQUALITY IN**
 23 **ELEMENTARY AND SECONDARY EDUCATION**
 24 **ATHLETIC PROGRAMS.**

25 “(a) DEFINITION OF PARTICIPANT.—

1 “(1) IN GENERAL.—In this section, the term
 2 ‘participant’ means an athlete in a sport who partici-
 3 pates in the sport in interscholastic competitive
 4 events, organized practice sessions, and other team
 5 meetings and activities on a regular basis during the
 6 sport’s season.

7 “(2) DEFINITION OF SEASON.—For purposes of
 8 paragraph (1), the term ‘season’, when used with re-
 9 spect to a team sport, means the period beginning
 10 on the date of a team’s first interscholastic athletic
 11 competition in an academic year and ending on the
 12 date of the team’s final interscholastic athletic com-
 13 petition in such academic year.

14 “(b) IN GENERAL.—The Secretary shall collect annu-
 15 ally, from each coeducational elementary school and sec-
 16 ondary school that receives Federal financial assistance
 17 and has an interscholastic athletic program, a report that
 18 includes the following information for the immediately pre-
 19 ceding academic year:

20 “(1) The total number of male and female stu-
 21 dents that attended the school, fully disaggregated
 22 and cross-tabulated by sex and race or ethnicity.

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

1 “(A) The season in which the team com-
2 peted.

3 “(B) The total number of male and female
4 participants, fully disaggregated and cross-tab-
5 ulated by sex and race or ethnicity and level of
6 competition.

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

12 “(i) The travel expenditures.

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

16 “(iii) The uniform expenditures (in-
17 cluding any uniform replacement sched-
18 ule).

19 “(iv) The expenditures for facilities,
20 including medical facilities, locker rooms,
21 fields, and gymnasiums.

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

1 “(I) sex; and

2 “(II) employment status (includ-
3 ing whether such individual is as-
4 signed to the team full-time or part-
5 time, and whether such individual is a
6 head or assistant trainer or medical
7 services provider) and duties other
8 than providing training or medical
9 services.

10 “(vi) The expenditures for publicity
11 for competitions.

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

17 “(I) sex; and

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

24 “(D) The total number of competitive
25 events (in regular and nontraditional seasons)

1 scheduled, and for each an indication of what
2 day of the week and time the competitive event
3 was scheduled.

4 “(E) Whether such team participated in
5 postseason competition, and the success of such
6 team in any postseason competition.

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

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

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

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

24 “(e) DUTIES OF THE SECRETARY.—The Secretary
25 shall—

1 “(1) ensure that reports and information sub-
 2 mitted under subsection (d) are available on the
 3 same public website, and searchable in the same
 4 manner, as the reports and information made avail-
 5 able under section 485(g)(4)(B) of the Higher Edu-
 6 cation Act of 1965; and

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

9 “(A) notify all elementary schools and sec-
 10 ondary schools in all States regarding the avail-
 11 ability of the reports and information under
 12 subsection (c); and

13 “(B) issue guidance to all such schools on
 14 how to collect and report the information re-
 15 quired under this section.”.

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

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

21 **SEC. 6. ADMINISTRATIVE ENFORCEMENT THROUGH CIVIL**
 22 **PENALTIES.**

23 Section 902 of the Education Amendments of 1972
 24 (20 U.S.C. 1682) is amended—

1 (1) by inserting “(a)” before “Each Federal”;
2 and

3 (2) by adding at the end the following:

4 “(b)(1) The Secretary of Education shall determine,
5 at the beginning of each year, each covered institution of
6 higher education that was found during the prior year to
7 be in noncompliance with a requirement of this title as
8 part of an administrative proceeding under subsection (a).

9 “(2) If the Secretary determines under paragraph (1)
10 that a covered institution of higher education was in such
11 noncompliance during the prior year, the Secretary may
12 impose a civil penalty on the institution.

13 “(3) If the Secretary determines under paragraph (1)
14 that a covered institution of higher education was in such
15 noncompliance during 2 or more of the prior 5 years, the
16 Secretary shall—

17 “(A) require the institution to submit, not later
18 than 120 days after receiving notice of the deter-
19 mination, a plan for coming into compliance with all
20 requirements of this title; and

21 “(B) make the report publicly available.”.

22 **SEC. 7. PRIVATE RIGHT OF ACTION.**

23 Section 903 of the Education Amendments of 1972
24 (20 U.S.C. 1683) is amended—

1 (1) by inserting “(a)” before “Any depart-
2 ment”; and

3 (2) by adding at the end the following:

4 “(b) RIGHT OF ACTION.—An individual who applies
5 to participate, participates, or previously participated in
6 an education program or activity covered under this title,
7 offered by a covered institution of higher education, may
8 bring an action in any Federal or State court of competent
9 jurisdiction against the institution, alleging a violation of
10 this title. The court may award such legal or equitable
11 relief as may be appropriate for such a violation. The legal
12 relief may include compensatory damages for emotional
13 distress, humiliation, or pain and suffering.”.

14 **SEC. 8. TRAINING AND INFORMATION FOR ATHLETES.**

15 Title IX of the Education Amendments of 1972 (20
16 U.S.C. 1681 et seq.) is amended—

17 (1) by repealing section 906;

18 (2) by redesignating section 905 (20 U.S.C.
19 1685) as section 906; and

20 (3) by inserting after section 904 the following:

21 **“SEC. 905. TRAINING AND INFORMATION.**

22 “(a) TRAINING.—

23 “(1) COVERED SCHOOL SYSTEMS.—

24 “(A) EMPLOYEES.—Each covered school
25 system shall ensure that each title IX coordi-

nator, and that each employee who works with athletics or teaches physical education or health, for the school system receives, at least once per year, training on the rights under this title of students at elementary schools or secondary schools, and procedures for submitting complaints of violations of this title to the Office for Civil Rights of the Department of Education.

“(B) ELEMENTARY AND SECONDARY SCHOOL ATHLETES.—Each covered school system shall ensure that—

“(i) a title IX coordinator for the system provides training to athletes at elementary schools or secondary schools in the system on the rights of the athletes under this title, and procedures for submitting complaints of violations of this title to the Office for Civil Rights of the Department of Education; and

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

“(C) DEFINITIONS.—In this paragraph, the terms ‘elementary school’ and ‘secondary school’ have the meanings given the terms in

1 section 8101 of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7801).

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 insti-
8 tution receives, at least once per year, training
9 on the rights under this title of students at cov-
10 ered institutions of higher education, and proce-
11 dures for submitting complaints of violations of
12 this title to the Office for Civil Rights of the
13 Department of Education.

14 “(B) POSTSECONDARY SCHOOL ATH-
15 LETES.—Each covered institution of higher
16 education shall ensure that—

17 “(i) an expert in matters relating to
18 this title, who is not an employee of the in-
19 stitution’s athletic department, provides
20 training to athletes at the institution on
21 the rights of the athletes under this title,
22 and procedures for submitting complaints
23 of violations of this title to the Office for
24 Civil Rights of the Department of Edu-
25 cation; and

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

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

14 **SEC. 9. OTHER DEFINITIONS.**

15 Title IX of the Education Amendments of 1972 (20
16 U.S.C. 1681 et seq.) is amended—

17 (1) by redesignating section 909 as section
18 907A and moving that section 907A so as to follow
19 section 907; and

20 (2) by adding at the end the following:

21 **“SEC. 909. OTHER DEFINITIONS.**

22 “In this title:

23 “(1) COVERED INSTITUTION OF HIGHER EDU-
24 CATION.—The term ‘covered institution of higher

1 education’ means an entity described in section
2 908(2)(A).

3 “(2) COVERED SCHOOL SYSTEM.—The term
4 ‘covered school system’ means an entity described in
5 section 908(2)(B).

6 “(3) TITLE IX COORDINATOR.—The term ‘title
7 IX coordinator’ means the individual who coordi-
8 nates the efforts of a covered school system to com-
9 ply with, and carry out the system’s responsibilities
10 under, this title.”.

11 **SEC. 10. RULE OF CONSTRUCTION.**

12 Nothing in this Act shall be construed to imply that
13 intercollegiate athletic associations (as defined in section
14 2)—

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

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

○