

105TH CONGRESS  
1ST SESSION

# S. 933

To amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, JUNE 17), 1997

Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mr. KENNEDY, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes.

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 Act".

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

1           (1) June 23, 1997, marks the 25th anniversary  
2 of the signing of title IX of the Education Amend-  
3 ments of 1972 (20 U.S.C. 1681 et seq.) into law,  
4 and on that day communities across the United  
5 States will honor the tremendous difference such  
6 title IX has made to women and girls in our Nation.

7           (2) Since enactment in 1972, such title IX has  
8 played a vital role in expanding the athletic opportu-  
9 nities available to American girls and women.

10          (3) Prior to the enactment of such title IX,  
11 fewer than 32,000 women competed in intercolle-  
12 giate athletics, women received only 2 percent of  
13 schools' athletic budgets, and athletic scholarships  
14 for women were practically nonexistent.

15          (4) In 1997, more than 110,000 women com-  
16 peted in intercollegiate sports, and women account  
17 for 37 percent of college varsity athletes.

18          (5) While such title IX has been very success-  
19 ful, a significant gap remains between the athletic  
20 opportunities available to men and the athletic op-  
21 portunities available to women.

22          (6) According to a 1997 study by the National  
23 Collegiate Athletic Association, female college ath-  
24 letes receive only 23 percent of athletic operating  
25 budgets, 38 percent of athletic scholarship dollars,

1 and 27 percent of the money spent to recruit new  
2 athletes.

3 (7) While women represent 53 percent of the  
4 students attending institutions of higher education,  
5 women comprise only 37 percent of the athletes at-  
6 tending institutions of higher education.

7 (8) There is substantial evidence that women  
8 and girls who participate in athletics have better  
9 physical and emotional health than women and girls  
10 who do not participate, and that participation in  
11 athletics can improve academic achievement.

12 (9) Easily accessible information regarding the  
13 expenditures of institutions of higher education for  
14 women's and men's athletic programs will help pro-  
15 spective students and prospective student athletes  
16 make informed judgments about the commitment of  
17 a given institution of higher education to providing  
18 athletic opportunities to male and female students  
19 attending the institution.

20 **SEC. 3. PURPOSES.**

21 The purposes of this Act are—

22 (1) to make information regarding men's and  
23 women's athletic programs at institutions of higher  
24 education easily available to prospective students  
25 and prospective student athletes; and

1           (2) to increase the athletic opportunities avail-  
2           able to women at institutions of higher education.

3 **SEC. 4. INFORMATION AVAILABILITY.**

4           Section 485(g) of the Higher Education Act of 1965  
5 (20 U.S.C. 1092(g)) is amended—

6           (1) by redesignating paragraphs (4) and (5) as  
7           paragraphs (5) and (6), respectively; and

8           (2) by inserting after paragraph (3) the follow-  
9           ing:

10           “(4) SUBMISSION; REPORT; INFORMATION  
11           AVAILABILITY.—(A) Each institution of higher edu-  
12           cation described in paragraph (1) shall provide to  
13           the Secretary, within 15 days of the date that the  
14           institution makes available the report under para-  
15           graph (1), the information contained in the report.

16           “(B) The Secretary shall prepare a report re-  
17           garding the information received under subpara-  
18           graph (A) for each year by April 1 of the year. The  
19           report shall—

20           “(i) summarize the information and iden-  
21           tify trends in the information;

22           “(ii) aggregate the information by divisions  
23           of the National Collegiate Athletic Association;  
24           and

1           “(iii) contain information on each individ-  
2           ual institution of higher education.

3           “(C) The Secretary shall ensure that the report  
4           described in subparagraph (B) is made available on  
5           the Internet within a reasonable period of time.

6           “(D) The Secretary shall establish, within a  
7           reasonable period of time, a toll-free telephone serv-  
8           ice—

9           “(i) to provide the public with information  
10          regarding reports described in subparagraph  
11          (B);

12          “(ii) to provide the public with information  
13          regarding the information received under sub-  
14          paragraph (A); and

15          “(iii) to respond to inquiries from the pub-  
16          lic regarding the provisions of title IX of the  
17          Education Amendments of 1972.

18          “(E) The Secretary shall use the information  
19          provided by institutions of higher education under  
20          paragraph (1) to ensure compliance with title IX of  
21          the Education Amendments of 1972.

22          “(F) The Secretary shall notify, not later than  
23          180 days after the date of enactment of this para-  
24          graph, all secondary schools in all States regarding  
25          the availability of the information reported under

- 1 subparagraph (B) and the information made avail-
- 2 able under paragraph (1), and how such information
- 3 may be accessed.

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