Congressional Budget Office
Cost Estimate

April 6, 2023

H.R. 734, Protection of Women and Girls in Sports Act of 2023

As ordered reported by the House Committee on Education and the Workforce on March 9, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	a	a	a
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	a	a	a
Spending Subject to Appropriation (Outlays)	a	a	a

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

a. CBO has no basis for estimating a reduction in direct spending or a reduction in discretionary authorizations.

H.R. 734 would amend Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs or activities that receive federal financial assistance. As a condition of federal funding, H.R. 734 would require such institutions to prohibit a person whose biological sex at birth was male from participating in an athletic program or activity that is designated for women or girls, unless such participation does not deny a female of an opportunity or benefit to participate.

Title IX applies to local education agencies, elementary and secondary schools, post-secondary institutions, libraries, and other educational institutions that receive federal funds. The primary means of enforcing compliance with Title IX is through voluntary agreements between institutions and the enforcing agency, and termination of federal funds is a last resort.

Spending Subject to Appropriation

Enacting H.R. 734 could result in a decrease in estimated authorizations for programs administered by several agencies, including the Department of Education. This would result from institutions failing to comply with, or choosing to forgo federal funding by not complying with, the requirements in the bill. CBO has no basis to estimate whether or how many institutions would do so. CBO estimates that, on average, K-12 schools receive

$275,000 each year in federal funds from programs under title I of the Elementary and Secondary Education Act.

Direct Spending

The requirement set forth in H.R. 734 also would apply to federal student aid at postsecondary institutions and funding for child nutrition programs at K-12 schools.

Students who enroll in programs at institutions of higher education that meet certain criteria may receive federal student aid in the form of Pell grants or student loans that can be used to cover expenses at such eligible institutions. According to data from the office of Federal Student Aid, in year 2021-2022, higher education institutions received $108 billion in federal grant and loans, including Pell grants and federal direct student loans. (About 20 percent of that total was provided for Pell grants in the annual appropriation act and is thus classified as discretionary spending.)

Under the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program, the Summer Food Service Program, and the Special Milk Program, the government provides commodities and cash payments to reimburse participating schools and institutions for at least part of the cost of each meal served. CBO estimates that the average school that participates in the NSLP and SBP will receive about $121,800 in 2024 under those programs.

Enacting H.R. 734 could result in a reduction in direct spending through a similar mechanism as spending subject to appropriations, but CBO has no basis to predict whether, or how many, K-12 schools and postsecondary institutions would not comply with the requirement. As a result, CBO cannot estimate the savings related to schools not complying with that requirement.

The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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