118TH CONGRESS 1ST SESSION

H.R. 734

AN ACT

- To amend the Education Amendments of 1972 to provide that for purposes of determining compliance with title IX of such Act in athletics, sex shall be recognized based solely on a person's reproductive biology and genetics at birth.
 - 1 Be it enacted by the Senate and House of Representa-
 - ${\it 2\ tives\ of\ the\ United\ States\ of\ America\ in\ Congress\ assembled},$

1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Protection of Women
- 3 and Girls in Sports Act of 2023".
- 4 SEC. 2. AMENDMENT.
- 5 Section 901 of the Education Amendments of 1972
- 6 (20 U.S.C. 1681) is amended by adding at the end the
- 7 following:
- 8 "(d)(1) It shall be a violation of subsection (a) for
- 9 a recipient of Federal financial assistance who operates,
- 10 sponsors, or facilitates athletic programs or activities to
- 11 permit a person whose sex is male to participate in an
- 12 athletic program or activity that is designated for women
- 13 or girls.
- 14 "(2) For the purposes of this subsection, sex shall
- 15 be recognized based solely on a person's reproductive biol-
- 16 ogy and genetics at birth.
- 17 "(3) For the purposes of this subsection, the term
- 18 'athletic programs and activities' includes, but is not lim-
- 19 ited to, all programs or activities that are provided condi-
- 20 tional upon participation with any athletic team.
- 21 "(4) Nothing in this subsection shall be construed to
- 22 prohibit a recipient from permitting males to train or
- 23 practice with an athletic program or activity that is des-
- 24 ignated for women or girls so long as no female is deprived
- 25 of a roster spot on a team or sport, opportunity to partici-
- 26 pate in a practice or competition, scholarship, admission

- 1 to an educational institution, or any other benefit that ac-
- 2 companies participating in the athletic program or activ-
- 3 ity.
- 4 "(e) The Comptroller General shall carry out a study
- 5 to determine the meaning of the phrase 'any other benefit'
- 6 as used in subsection (d)(4) by looking at benefits to
- 7 women or girls of participating in single sex sports that
- 8 would be lost by allowing males to participate. The study
- 9 shall document the adverse psychological, developmental,
- 10 participatory, and sociological results to girls of allowing
- 11 males to compete, be members of a sports team, or partici-
- 12 pants in athletic programs, that are designed for girls, in-
- 13 cluding displacement or discouragement from sports par-
- 14 ticipation, deprivation of a roster spot on a team or sport,
- 15 loss of the opportunity to participate in a practice or com-
- 16 petition, loss of a scholarship or scholarship opportunities,
- 17 loss or displacement of admission to an educational insti-
- 18 tution, deprivation of the benefit of an environment free
- 19 of hostility based on sexual assault or harassment, or any
- 20 other benefit that accompanies participating in the ath-
- 21 letics program or activity. Further, the Comptroller Gen-
- 22 eral shall submit to the Committee on Education and the
- 23 Workforce of the House of Representatives and the Com-

- 1 mittee on Health, Education, Labor, and Pensions of the
- 2 Senate a report that contains the results of such study.".
 Passed the House of Representatives April 20, 2023.
 Attest:

Clerk.

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