

118TH CONGRESS
1ST SESSION

H. R. 734

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

Received

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-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 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: CHERYL L. JOHNSON,
Clerk.