

## Union Calendar No. 22

118TH CONGRESS  
1ST SESSION

# H. R. 734

[Report No. 118-35]

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.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2023

Mr. STEUBE (for himself, Ms. TENNEY, Ms. FOXX, Mr. WITTMAN, Mr. WEBSTER of Florida, Mr. BALDERSON, Mr. BUCK, Mrs. WAGNER, Mr. CARTER of Georgia, Mr. GAETZ, Mrs. MILLER-MEEKS, Mr. SMITH of Missouri, Mr. ELLZEY, Mr. GRIFFITH, Mr. LAMALFA, and Mr. CARL) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 10, 2023

Additional sponsors: Mr. TIFFANY, Ms. MACE, Mr. BOST, Mr. WALBERG, Mrs. MILLER of Illinois, Mr. WENSTRUP, Mr. PFLUGER, Mr. DAVIDSON, Mr. WEBER of Texas, Mr. BIGGS, Mr. GOOD of Virginia, Mrs. BOEBERT, Mr. FEENSTRA, Mr. BANKS, Mr. DUNN of Florida, Mr. BERGMAN, Mr. GUEST, Mrs. GONZÁLEZ-COLÓN, Mr. DESJARLAIS, Mrs. HARSHBARGER, Mr. SANTOS, Mrs. CHAVEZ-DEREMER, Mr. MOONEY, Mr. YAKYM, Mrs. LUNA, Mr. HUDSON, Mr. LALOTA, Mr. TIMMONS, Mr. GOSAR, Mr. GIMENEZ, Ms. HAGEMAN, Mr. MCCLINTOCK, Mr. BARR, Mr. CLINE, Mr. POSEY, Mr. ADERHOLT, Mr. FITZGERALD, Mr. CARTER of Texas, Mr. GOODEN of Texas, Mr. MOORE of Alabama, Mr. EZELL, Mr. CURTIS, Mr. ROSE, Mr. SMITH of New Jersey, Ms. STEFANIK, Mr. ESTES, Mr. JOHNSON of Louisiana, Mr. OWENS, Mr. WESTERMAN, Mr. COMER, Mr. WALTZ, Mr. CRAWFORD, Mrs. CAMMACK, Mrs. LESKO, Mr. LAHOOD, Mr. DUNCAN, Mrs. HOUCHIN, Mr. MCCORMICK, Mr. BEAN of Florida, Mr. AUSTIN SCOTT of Georgia, Mr. FLEISCHMANN, Mr. GREEN of Tennessee, Mr. MILLER of Ohio, Mr. CISCOMANI, Mr. HUNT, Mr. VAN DREW, Mr. SELF, Mr. CRENSHAW, Mr. STAUBER, Mr. ARRINGTON, Mr. FINSTAD, Mr. FALLON, Ms. DE LA CRUZ, Mr. HIGGINS of Louisiana, Mr. MUR-

PHY, Mr. BRECHEEN, Mr. BURLISON, and Mr. JOHNSON of South Dakota

APRIL 10, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 1, 2023]

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## **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Protection of Women*  
5 *and Girls in Sports Act of 2023”.*

6 **SEC. 2. AMENDMENT.**

7        *Section 901 of the Education Amendments of 1972 (20*  
8 *U.S.C. 1681) is amended by adding at the end the following:*

9        *“(d)(1) It shall be a violation of subsection (a) for a*  
10 *recipient of Federal financial assistance who operates, spon-*  
11 *sors, or facilitates athletic programs or activities to permit*  
12 *a person whose sex is male to participate in an athletic*  
13 *program or activity that is designated for women or girls.*

14        *“(2) For the purposes of this subsection, sex shall be*  
15 *recognized based solely on a person’s reproductive biology*  
16 *and genetics at birth.*

17        *“(3) Nothing in this subsection shall be construed to*  
18 *prohibit a recipient from permitting males to train or prac-*  
19 *tice with an athletic program or activity that is designated*  
20 *for women or girls so long as no female is deprived of a*  
21 *roster spot on a team or sport, opportunity to participate*  
22 *in a practice or competition, scholarship, admission to an*  
23 *educational institution, or any other benefit that accom-*  
24 *panies participating in the athletic program or activity.”.*

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118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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