

**THE IMPORTANCE OF PROTECTING
FEMALE ATHLETICS AND TITLE IX**

HEARING

BEFORE THE
SUBCOMMITTEE ON HEALTH CARE
AND FINANCIAL SERVICES
OF THE
COMMITTEE ON OVERSIGHT
AND ACCOUNTABILITY
HOUSE OF REPRESENTATIVES
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THE IMPORTANCE OF PROTECTING FEMALE ATHLETICS AND TITLE IX

Tuesday, December 5, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON HEALTH CARE AND FINANCIAL SERVICES
Washington, D.C.

The Subcommittee met, pursuant to notice, at 3:12 p.m., in room 2154, Rayburn House Office Building, Hon. Lisa C. McClain [Chairwoman of the Subcommittee] presiding.

Present: Representatives McClain, Gosar, Foxx, Grothman, Fry, Luna, Langworthy, Burlison, Ocasio-Cortez, Casar, Lee, and Crockett.

Also present: Representatives Jordan, Sessions, Burchett, Greene, Waltz, LaMalfa, Takano, and Robert Garcia of California.

Mrs. MCCLAIN. The hearing of the Subcommittee on Healthcare and Financial Services will come to order.

Welcome, everyone.

Without objection, the Chair may declare a recess at any time.

I recognize myself for the purpose of making an opening statement.

Wait. One second. Oh, we are missing a witness. We are missing a witness.

[Recess.]

Mrs. MCCLAIN. I am sorry about that.

I recognize myself for the purpose of making an opening statement.

Quite simply, men do not belong in women's sports. Let me say it one more time. Men do not belong in women's sports.

The simple fact that this needs to be said out loud is really kind of a sad reflection of where the other side is on this issue. There should be no debate about this. However, we are here today because the Biden Administration is choosing to ignore the truth and, I might add, the science.

The truth is, is that by allowing biological males to compete in women's sports is fundamentally unfair. It is also unsafe.

Scientific evidence—and I will say that again—scientific evidence affirms that biological males and females have unchangeable physiological differences attributed to their sex. Some of these differences benefit male athletes. For example, males typically have greater muscle mass, lung capacity, and bone density than females.

All of these characteristics give males a competitive advantage over females. This is why women should compete against women and men should not compete against them. That is what Title IX was designed to protect.

By allowing biological males to compete in women's sports, we are placing our daughters in danger every time they step onto the field.

This hearing is about protecting women, period. That is it. I am standing up for the rights of women, children, my daughter, your daughter, our granddaughters.

I am frustrated as I continue to hear about female athletes who are injured by biological males competing in women's sports.

I am a mother. I have two daughters. Any parent will tell you that their most sacred responsibility is to protect their children. And that is what I am trying to do, and that is what this hearing is about. That is why today is about protecting our daughters, our nieces, and our granddaughters. It is time for us to get off the sideline and actually stand up for them.

Unfortunately, the Biden Administration has shown that it is putting leftist policies before women and girls. In a fraudulent effort to be inclusive, the Biden Administration is sacrificing equality.

Instead of defending the hard-fought protections that Title IX secured—I mean, think of how long we fought for Title IX, for equality for women—the Biden Administration has proposed two rules that will drastically alter Title IX. The Biden Administration's proposed rule redefines "sex" to include gender identity and expands Title IX protections to biological males—protections that were created and implemented for women and girls.

If the Biden Administration is successful, it will mean that more women will lose out on academic and athletic opportunities that should have been afforded to them under Title IX—again, the whole reason we put together Title IX.

Last year, we celebrated the 50th anniversary of Title IX's enactment. For the last 50 years, we have seen Title IX's success in securing equality for women across the country. We cannot allow this Administration to dismantle the rights and protections that women fought so hard to achieve.

We must protect women and girls. And I encourage my colleagues on both sides of the aisle to stay centered on this issue throughout the hearing.

To our panel, thank you, thank you, thank you for being here today before the Subcommittee. I am looking forward to having this very important discussion with you.

And I now recognize the Ranking Member, Ms. Lee, for your opening statement.

Ms. Lee?

Ms. LEE. Thank you, Madam Chair.

It is disappointing to me that, although the title of this hearing implies a much-needed discussion, we are likely going to be forced to listen to transphobic bigotry.

Because, actually, protecting female athletes in Title IX is important. Participating in sports provides so many benefits to our young people. Those benefits range from improved mental and physical

health to enriched life skills, such as teamwork and goal-setting. In terms of mental health, studies show that participating in youth sports is associated with lower rates of anxiety and depression, lower amounts of stress, higher self-esteem and confidence, and reduced risk of suicide.

So why are my Republican colleagues working so hard to prevent our trans youth from participating?

According to the Human Rights Campaign, in just the first 143 days of 2023, elected officials across the Nation introduced more than 520 anti-LGBTQIA bills in state legislature. Twenty-three states banned trans youth from participating in school sports consistent with their gender identity, with some laws focusing on kids as young as kindergarten. How competitive is kindergarten? You all are working so hard at excluding and demonizing a bunch of kids.

I think it is important that we raise the voices of transgender athletes, their families, and teammates. I would like to read a few of their stories, written in the first person, the first from CeCe Telfer, a professional track athlete, model, and advocate.

“I was a former D2 national champion in the 400-meter hurdles, and I am now a professional athlete training to make it on the Team USA and represent them in the following Olympics to come. Sports have given me a plethora of things, but mainly sports have given me strength, taught me how to overcome fear and stand up when defeated. Sports have given me collaborative skills that was developed throughout the years of being an athlete and having teammates. Sports taught me how to stay focused and committed, along with the necessary skills that sports has taught me in giving me clarity and freedom.

“Transgender women and girls, transgender people, are not a threat. We do not play sports to cheat. We deserve the rights as any other women, because that is what we are. There are rules and regulations that define our ability to compete.

“The narrative that builds on myself and trans kids in the community is negative and dehumanizing. It feels as though people do not want us to exist. And in order to change the narrative—because we do exist, and we are not going to stop existing—we need to stop these anti-trans bills. They are dehumanizing, and kids are dying.

“Instead, I believe the government should step up and support trans people on all levels to show that we are seen and have rights and are people just like everybody else.”

From Ember, a transgender female high school softball player: “When I was younger, I played co-ed baseball. I loved it. When the teams became single-sex, I no longer fit in. I was teased and ostracized, though the most difficult part was not feeling like myself, so I quit.

“I came out as trans in seventh grade and wanted to play softball, but my state requires trans girls to take hormones for a year before they can play a sport. So, I waited for 3 years. During that time, I became self-conscious, uncomfortable with my body, and lost all of my confidence. I was diagnosed with depression and anxiety.

“I was finally approved to play on a girls’ team in the spring of my sophomore year of high school. Playing on a girls’ team has

been an incredible experience for me. I have made so many friends and improved so much, despite starting so late.

“My teammates treat me just like everyone else on the team. So do my coaches. My team is part of my family. We are all so different and come from different cliques, but when we are together on the field, we are there for each other no matter what. Every kid should be lucky enough to have this experience.”

And from Debbie Jackson, a parent of a non-binary teen: “My child, Avery, is now 15 years old. Avery does not even remember what it was like to be viewed as a boy. We affirmed who they are at a young age and supported their social transition before kindergarten.

“During that time, Avery was in a co-ed trampoline class at a local gym. The gymnastics classes at the gym were divided by gender, and as we began referring to Avery as our daughter, Avery asked to move into gymnastics. It was one additional step toward being affirmed and accepted authentically.

“To this day, some of my favorite photos and videos are from the first day of that class, when Avery marched so confidently onto the mat, with a barely grown-out traditional boyish haircut, next to a gaggle of other girls, with their bouncy ponytails. Avery enthusiastically followed every word of the coach, trying forward rolls and falling off the balance beam with every step—literally, every step. Avery was the most gloriously awkward, non-athletic creature I have ever witnessed.

“I can safely tell you that Avery is still a gloriously awkward, non-athletic creature who will never win in any athletic endeavor. But participating in sports is not about winning. Playing sports helps with mental health, teaches teamwork, provides camaraderie with others, and teaches discipline and goal-setting. It opens doors to friendship, connection, and community with others. That is what my child experienced in that gymnastics class, and other trans kids deserve to experience all of those benefits too.

“I am so thankful that Avery did not have to choose between not participating in sports or being forced to participate as a boy. Forcing a transgender child to choose between living an authentic life and playing a game is cruel.

“Think about how it would feel to have your body openly discussed by others or have the fairness of your existence and basic rights debated in a public forum. That is what you are doing to innocent kids. Please leave our kids alone. They deserve so much better from people in power.”

I want to thank these people for sharing their stories and reminding us that this is about children and daughters and sons and siblings and friends. These are real people with real experiences who deserve to feel loved and included.

I would ask unanimous consent to enter these letters to the Committee from transgender athletes provided by the National Center for Transgender Equality.

Mrs. MCCLAIN. Without objection, so ordered.

Ms. LEE. Thank you.

Sports are a vital aspect of education that offers important lessons. Athletics allows young people from diverse backgrounds to

engage in healthy movement and play, learn how to work as a team, and form meaningful connections.

Madam Chair, I ask that while we sit through this hearing and hear the hateful misinformation I am sure is going to come our way, let us not forget that children are at the core of this issue.

I yield back.

Mrs. MCCLAIN. Thank you, Ms. Lee.

I will now recognize our witnesses for today.

Ms. Riley Gaines is a former collegiate athlete for the University of Kentucky and now serves as an ambassador for the Independent Women's Voice.

Welcome.

Ms. Sarah Parshall Perry is the senior legal fellow in the Edwin Meese III Center for Legal and Judicial Studies at the Heritage Foundation. She is also a former senior counsel to the Assistant Secretary for Civil Rights at the U.S. Department of Education.

Ms. Kim Russell is the former head women's lacrosse coach at Oberlin College and now serves as an ambassador for the Independent Women's Forum.

And, finally, Ms. Fatima Goss Graves is the President and CEO of the National Women's Law Center.

Welcome, and thank you again for all being here.

Pursuant to the Committee Rule 9(g), the witnesses will please stand and raise their right hands.

Do you solemnly swear or affirm that the testimony that you are about to give in this is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that the witnesses answered in the affirmative.

Thank you. You may all take a seat.

So, again, I now recognize myself—the witnesses—excuse me—I now recognize the witnesses for an opening statement.

Let me remind the witnesses that we have read your written statement, and we will have it appear in full in the hearing record. Please limit your oral statements to 5 minutes.

As a reminder, please press the button on the microphone in front of you so that it is on, and the Members can hear you. You will begin to speak. The light in front of you will turn green. After 4 minutes, the light will turn yellow. Then the red light will come on; your 5 minutes has expired, and we would ask you to please wrap up.

I now recognize Ms. Gaines for her opening statement.

**STATEMENT OF RILEY GAINES
AMBASSADOR
INDEPENDENT WOMEN'S VOICE
FORMER COLLEGIATE ATHLETE**

Ms. GAINES. Thank you. My name is Riley Gaines, and I am an ambassador for Independent Women's Voice. And I am here today to urge you to protect women's sports and uphold the original intent of Title IX.

My story is by now well-known. I was a student at University of Kentucky, where I was also a member of the women's swim team, finishing my collegiate career as a 12-time NCAA All-American, a

5-time SEC champion—still the SEC record-holder in the 200 butterfly, making me one of the fastest Americans of all time.

In March 2022, female swimmers from around the country and I were forced to compete at NCAAs against Lia, formerly Will, Thomas. We watched as this male swam to a women's national title, beating out the most impressive and accomplished female swimmers in the Nation, including Olympians and American record-holders.

Despite tying, down to the hundredth, with Thomas in the 200 freestyle, I was denied the trophy, because the NCAA claimed it was necessary for Thomas to hold the trophy when photos were being taken. It was clear to me, my teammates, and my competitors that they had reduced everything we had worked our entire lives for down to a photo op to validate the feelings and the identity of a male.

But that is not all. In addition to losing out on opportunities to Thomas, we also had to share a locker room and change in front of this 6-foot-4, fully intact, naked male. And as I have testified previously, we were not forewarned of this arrangement, we were not asked for our consent, and we did not give our consent to this exposure and to be exploited.

Unfortunately, Thomas was not a one-off. Across the country and in various sports, males are entering women's athletic competitions, being given spots on women's teams, and being granted entry to our locker rooms. There are numerous documented instances of males competing, not just in women's swimming, but also in women's track, cross-country, basketball, volleyball, field hockey, and other sports at all levels of competition.

This issue is incredibly underreported for various reasons, but commonsense Americans know intuitively, this is not fair to women.

And science, of course, supports that instinct. In fact, studies consistently show males have about a 10-to 12-percent athletic advantage over females. This gap is evident in almost every sport and at every level of competition.

Yes, hormone therapy can narrow this gap, but it cannot close it. And studies consistently demonstrate that surgery and testosterone suppression do not reduce male athletic performance to normal female levels.

Take Thomas, for example. He was mediocre against the men, at best, ranking 400ths and 500ths nationally, then dominating all of the women in the entire country—by body lengths, might I add—in a matter of a year.

Not only do women have to worry about losing opportunities and being exploited in locker rooms, allowing men into women's sports also puts girls at greater risk of injury.

In September of last year, North Carolina high school volleyball player Payton McNabb suffered serious injury after a trans-identified male player spiked a ball at her head, rendering her unconscious. Payton experienced extensive trauma to her head and neck and long-term concussion symptoms. Still to this day, a year and 3-ish months later, she is still partially paralyzed on her right side, her vision is impaired, her memory is impaired, and she is not playing college sports like she had dreamed of for herself.

Just a few weeks in Massachusetts, a male player on the Swampscott High School field hockey women's team injured an opposing player with a shot to the face, sending the female athlete to the hospital with significant facial and dental injuries.

Injuries, of course, can and do happen when females are playing against other females. But allowing men to play women's sports increases the likelihood and severity of such injuries. That is one of the reasons why, for 50 years, Federal Title IX regulations have allowed schools to offer separate teams for women and men when the sports are contact sports or involve competitive skill.

In April 2023, the Department of Education proposed a rule that, if adopted, would reverse this presumption. Under the proposed rule, women's sports are not just for women, they are for anyone who simply says they are a woman, unless a particular school can demonstrate to the satisfaction of the Department of Education that keeping a particular team female meets important educational objectives.

The new rule mandates that every school in the country must demonstrate the unfairness of male participation on each specific women's team that they offer and develop rules that minimize harm to trans-identified athletes.

But what about the harm to us? Who is working to minimize the harm done to female athletes?

Let me be perfectly clear: A school that knowingly allows a male athlete to take a spot on a women's team or allows a male athlete to take the field in a women's game is denying a female student athletic opportunity. And that is sex-based discrimination, and it violates Title IX, regardless of what the new regulations might say.

It is my sincere hope that Members of this Committee will take action to stop the Biden Administration's illegal and administrative rewrite of Title IX.

Of course, there is a place for everyone—regardless of gender identity, regardless of sexual orientation, regardless of race or what sports you play, there is a place for everyone to play sports in this country. But unsafe, unfair, and discriminatory practices toward women must stop. Inclusion cannot be prioritized over safety and fairness.

And, Ranking Member Lee, if my testimony makes me transphobic, then I believe your opening monologue makes you a misogynist.

Thank you.

Mrs. McCLAIN. Thank you, Ms. Gaines.

I now recognize Ms. Parshall Perry for her opening statement.

**STATEMENT OF SARAH PARSHALL PERRY
SENIOR LEGAL FELLOW
EDWIN MEESE III CENTER FOR LEGAL
AND JUDICIAL STUDIES
HERITAGE FOUNDATION**

Ms. PARSHALL PERRY. Good afternoon, Chairwoman McClain, Ranking Member Lee, and distinguished Members of the Subcommittee. My name is Sarah Parshall Perry. I am a senior legal fellow at the Heritage Foundation.

As a former varsity athlete, the mother of a girls' varsity athlete, and former senior counsel for civil rights at the Department of Education, I have, as the saying goes—

Ms. LEE. Madam Chair, excuse me. I move to have the gentleman's words taken down.

Mrs. MCCLAIN. The Committee will suspend.

Ms. LEE. Madam Chair, she is engaging in personalities.

Ms. GAINES. Could I just ask how it is fair to be called transphobic?

Ms. LEE. No one called you anything.

Ms. GREENE. I would say men disguising themselves as women are engaging in personalities.

Ms. LEE. Order—

Mrs. MCCLAIN. Hang on, hang on, hang on. Order, order. Let us get a ruling.

Ms. LEE. OK. I move to withdraw the point of order.

Mrs. MCCLAIN. Thank you, Ms. Lee.

I now recognize Ms. Parshall Perry for her opening statement. We can start over. Thank you.

**STATEMENT OF SARAH PARSHALL PERRY
SENIOR LEGAL FELLOW
EDWIN MEESE III CENTER FOR LEGAL
AND JUDICIAL STUDIES
HERITAGE FOUNDATION**

Ms. PARSHALL PERRY. Chairwoman McClain, Ranking Member Lee, and distinguished Members of the Subcommittee, my name is Sarah Parshall Perry. I am a senior legal fellow at the Heritage Foundation.

As a former varsity athlete, the mother of a girls' varsity athlete, and former senior counsel for civil rights at Department of Education, I have, as the saying goes, skin in this game.

What we are discussing today is an athletic scandal, a fraud of unprecedented proportions perpetrated by the Federal Government on American students. It turns obvious distinctions between the sexes into nothing more than the myths of a bygone era, while expecting female athletes to simply look the other way.

In education, one law should stand as a bulwark against sex discrimination, as it has for the 50 years since its inception. And yet the Department's rulemaking on Title IX purports to provide for the participation of men in women's sports, rendering the sex discrimination of old new again.

Title IX made possible opportunities for women historically excluded from higher education athletics, graduate school scholarships, and more. Because of the law, the rate of girls' participation in high school athletics is now 1,000 percent higher. Girls now constitute over 56 percent of American college students and 42 percent of high school athletes. And 94 percent of female executives played scholastic sports.

Title IX was the crowning achievement of the feminist movement, its origins incontrovertibly in women's liberation, spurred by statements made by the judge famously who proclaimed in 1971, "Athletic competition builds character in our boys. We do not need that kind of character in our girls." And yet, by threatening to gut

Title IX's guarantee of equality, the Department is on the cusp of perpetuating just this type of regressive thinking.

There are two rules at issue, the latter of which governs criteria for athletics—between athletic interests of women and transgender-identified men—the Department has called the rule of compromise. But a compromise it most definitely is not. Instead, it is a self-refuting tangle of considerations, a bureaucratic nightmare for any educational institution to which it applies. It does not clarify Title IX's sex-based criteria in sports; it complicates it.

It departs from decades of Title IX's application to athletics, obscures the plain text of the longstanding athletics regulation with vague terms, an unworkable standard, and the guaranteed conflict with the contrary laws of 23 states. It balances the equities against the women and girls who were at the heart of Title IX's passage and, impressively, does all this while violating constitutional civil rights and administrative law.

The coup de grace? There is a reason to argue that the Department even lacks the authority to promulgate an athletics regulation in the first place.

Then there is the rule's refusal to acknowledge obvious sex-based competitive advantages to sport. Males have greater lung capacity, larger hearts, more bone density, more muscle mass, they jump higher, throw further, run faster, accelerate quicker, and punch harder than females. And this gap emerges as early as the age of 12, when males experience a twentyfold boost in testosterone.

Title IX and its implementing regulations contain a set of limited sex-affirmative exceptions allowing schools to take sex into account, and a sex binary—male versus female—is the foundation upon which the entire statute rests. Its use of the words “both” and “either” reinforces this longstanding understanding.

Even the Supreme Court's determination in *Bostock v. Clayton County* that sex discrimination in employment also includes discrimination based on sexual orientation and transgender status does nothing to change that, nor did the Supreme Court intend to.

When biological boys are glibly classified as girls, the feminist gains of the past 50 years are eviscerated. Womanhood cannot be achieved by puberty blockers or cross-sex hormones, and it deserves the continued protection of Title IX.

I urge this chamber not to rewind the clock on women's progress but, rather, hold fast to the principles of equality. The future of women's sports depends on it.

If a self-declaration of womanhood and hormones are sufficient to open women's sports to men, what, after all, was the point of the women's liberation movement?

I welcome your questions.

Mrs. MCCLAIN. Thank you, Ms. Parshall Perry.

The Chair now recognizes Ms. Russell for her opening statements.

**STATEMENT OF KIM RUSSELL
AMBASSADOR
INDEPENDENT WOMEN'S FORUM
FORMER HEAD WOMEN'S LACROSSE COACH
OBERLIN COLLEGE**

Ms. RUSSELL. Thank you all for being here.

I am Kim Russell, an ambassador for the Independent Women's Forum.

Why am I here? I am 56 years old. I am an athlete, a coach, a mother, and a teacher and a longtime advocate for women and girls. This has been my life and my passion. I played two sports at the D1 level that never would have been possible without Title IX. I have been a lacrosse coach for over 27 years. I am in three halls of fame for coaching and contributing to the growth of lacrosse, and there is actually an award in my name.

Oberlin College removed me from coaching and offered me an administrative position after I chose to publicly tell my story and refused to be silent or back down about my belief that men, no matter how they self-identify, should not be allowed to compete in women's sports.

I joined Oberlin College in 2018 as the head women's lacrosse coach and a wellness instructor. I have always been pro-woman, then and now.

Over the course of my coaching career, I have been a mentor to many women and girls, sharing advice both on and off the field. My athletes, including several who have identified as transgender, have always known they can come to me to laugh, to cry, or anything in between.

I have been nicknamed the "hippie love coach," not only because I am a yoga instructor—I am usually barefoot; these shoes are not my typical wear—I read energy and coach intuitively, but because I have given countless individuals a safe space to thrive and feel a sense of belonging.

In March 2022, I had been following the story of Lia Thomas and kept thinking someone would speak up. How could a biological male be allowed to compete with women, regardless of a hormone-blocking regime? I was flabbergasted that coaches, parents, administrators, and athletes were OK with this.

After Thomas won, I reposted an Instagram post on my personal story that said, "Congratulations to Emma Weyant, the real woman who won the NCAA 500-yard freestyle." I added my own short commentary: "What do you believe? I cannot be quiet on this. I have spent my entire life playing sports, coaching, and starting sports programs for girls and women."

Turns out, it was more controversial than I could have ever anticipated. Based on this simple post, I was called transgressive, transphobic, and unsafe.

I was told to write letters of apology to my team and the athletic department because of the unrest and disruption I had caused. I could not apologize for something that I am not sorry for. I would not and will not apologize for saying a biological male does not belong in women's sports and private spaces.

As an athlete and coach for nearly my entire life, I am personally familiar with the distinct differences between male and female ath-

letes. I gave birth to four kids. I ran the sidelines nursing a child while I coached in the state championships, and I have had another child on my back at the same time.

After I refused to apologize, I was called in for a meeting of my team with a mediator present. A handful of the student athletes on my team attacked and vilified me as if I were the enemy and had just killed someone.

A week later, there was another meeting with my team and three college administrators. For 1 hour and 42 minutes, the same athletes who I had treated like my own kids bashed me over and over again in front of the administrators simply for having a pro-woman perspective that was different from theirs.

I had to stay quiet and repeat back everything they said and confirm that I had heard their concerns. At the end of the meeting, I was given the chance to respond, at which point I knew whatever I said would land on deaf ears.

I was called into the AD's office after the season ended and handed a letter. At the bottom, it said, "This letter is intended to help you understand and appreciate the impact of your actions and the need for you to immediately modify your behavior." I asked Oberlin to provide me with a written letter on what I had done wrong and how I could improve my behavior but was never provided any clarity.

When I arrived at Oberlin in 2018, I was so excited to be part of a community that celebrates free spirit, open-minded dialog, freedom of speech, and freedom of expression. I am the hippie love coach. I thought I was home. But Oberlin, like many higher-level institutions today, only seems to support the First Amendment if your values align with theirs.

Most people have chosen to stay silent in this topic because the consequences seem too great—loss of a job, reputation, friends, or family, you name it. I am here, in part, to speak for them. I will never apologize for believing that women and girls should have the right to single-sex competition, a right for which women before me fought tirelessly. I am hoping that my speaking up will give others the courage to do the same.

I am here hoping to ensure that you understand the ramifications of the Biden Administration's proposed regulation and that you will each do your job to ensure that the original meaning of Title IX is upheld. It was passed when I was 5. I have reaped the benefits, and my life's journey continues to be massively impacted.

The Biden Administration is trying to effectively change the meaning and language of Title IX. If allowed, this will endanger women in sports and private spaces, take away opportunities from women in sports and academia.

Never in a million years did I think I would be sitting here at 56 fighting to get back the rights that were given to women and girls 51 years ago.

Since March 2022, many more biological males have invaded women's and girls' sports. There have been life-changing injuries, opportunities lost, and privacy has been invaded. We are harming women and girls.

You have the opportunity to be heroes. This is about upholding truth, protecting the dreams of female athletes, and the original meaning of Title IX.

Mrs. MCCLAIN. Thank you, Ms. Russell.
The Chair next recognizes Ms. Goss Graves.
Thank you, ma'am.

**STATEMENT OF FATIMA GOSS GRAVES
PRESIDENT AND CEO
NATIONAL WOMEN'S LAW CENTER**

Ms. GOSS GRAVES. Thank you, Chairwoman McClain, Ranking Member Lee, and Members of the Subcommittee for the opportunity to testify today. My name is Fatima Goss Graves, and I am President and CEO of the National Women's Law Center.

The National Women's Law Center was founded the same year that Title IX was passed and has worked to remove barriers for women and girls throughout the course of their lives throughout our founding.

And since I have had the great honor to engage in this critical work, including as an advocate for women and girls in school and in sports—in fact, my first Title IX matter was more than 15 years ago, where we worked to successfully secure equal facilities for girls in a school district in Maryland.

And over the last 50 years, Title IX has dramatically advanced women and girls' participation in school sports. High school girls have 3 million more opportunities to play today than they did before Title IX, and 44 percent of NCAA athletes today are now women, compared to only 15 percent before Title IX.

But significant barriers to gender equity in sport persist. Women and girls have over 1 million fewer opportunities to play in high school than boys. Some schools still treat girls' and women's teams as afterthoughts. We hear complaints of uniforms and equipment that are essentially second-class. They are not afforded the same level of publicity to showcase their many talents. And women in professional sports consistently complain about gender bias in pay.

And we have all learned of case after case of sexual abuse against student athletes, where schools overlooked the deplorable conduct by coaches and athletic trainers and school doctors.

These barriers to gender equity in sports are well-documented and they are pervasive.

Yet none of that is the subject of the hearing today. And so, today is really about attacking and dehumanizing transgender people and especially trans women and girls.

And even though trans youth are not responsible for any of the problems in sport that I have named, and still we have seen at least 24 states who have been racing to move to ban trans students from women and girls' sports teams, falsely claiming they are protecting women's sports. That is just not true.

We know from data collected from between 2008 and 2019 that including trans student athletes correlates with increased participation by all girls. In contrast, girls' overall participation in high school sports declined in states that enacted trans-exclusionary policies.

So, let me put it really plainly: Excluding women and girls who are trans hurts all women and girls.

The irony is, this debate about including trans women and girls in sports should sound familiar to anyone who has tracked the evolution of Title IX over the last five decades, because at its root are sexist stereotypes that equate femininity with being slower and weaker and likely unathletic.

Athletes come in all shapes and sizes. And written enforcement of who is a woman is dangerous and only encourages further discrimination. It invites the sort of gender policing that could subject any woman to accusations of being too masculine or too good or not a real enough woman to participate.

The reality is that, like their peers, trans girls and women, they sometimes lose at sports, and sometimes they win. And success in school sports depends on a whole range of factors, including how hard you work and coaching and access to really good resources and facilities.

And trans students participate in sports for the same reason, as they are kids, because it is fun, because it creates belonging and community, because it teaches so much about persistence and leadership and discipline—unless they learn to lose gracefully, hopefully. And often they learn to win with dignity, hopefully. They learn to do the sort of work that means you have higher grades and stay connected to school. I want every kid to have that chance, to have the chance to play.

So, I feel compelled to just end my testimony with a few ideas for the Committee to pursue if it really wants to work on this issue.

We could make it safer for student athletes who report harassment and sexual misconduct. We could address resource disparities in sports. We could protect access to healthcare, including gender-affirming and reproductive healthcare. Pay, promotions, dealing with the caregiving crisis in this country—all of that could be your agenda.

Thank you for having me today.

Mrs. McCLAIN. Thank you, Ms. Goss Graves.

I would just like to remind everybody of the title of the hearing, since it is my hearing. And the title of the hearing is “The Importance of Protecting Female Athletes and Title IX.” I am for protecting women. We fought very, very long and very hard to protect women.

So, I just want to be clear, there is not a hidden agenda. It is actually to protect women in women’s sports. So, since it is my hearing, I just wanted to clarify, that is my agenda.

With that, without objection, Representative Jordan of Ohio, Representative Sessions of Texas, Representative Greene of Georgia, Representative Boebert of Colorado, Representative Burchett of Tennessee, Representatives Waltz of Florida, Representative LaMalfa of California, and Representative Garcia of California are waived on to the Subcommittee for the purpose of questioning the witnesses at today’s Subcommittee hearing.

I ask unanimous consent to enter five statements into the record: a legal memorandum by Ms. Sarah Parshall Perry titled “The Department of Education’s Intended Revision of Title IX Fails Regulatory and Civil Rights Analysis”; a second legal memorandum by

Ms. Sarah Parshall Perry, titled “Once More With Feeling: Department of Education Releases Second Title IX Rule—and Fails Again”; a report from the Independent Women’s Forum and the Independent Women’s Law Center titled “Competition: Title IX, Male-Bodied Athletes, and the Threat to Women’s Sports”; an article from *The Daily Signal* titled “Exclusive: School Assigned Girl to Sleep with Boy Who Identifies as Trans Without Parental Notification”; and a statement for the record submitted by the NCAA on December 4, 2023.

Without objection, so ordered.

The Chair now recognizes Chairman Comer.

Mr. COMER. All right. Thank you, Madam Chair, for holding this hearing, protecting female sports and Title IX.

As a Kentuckian, when I think about great Kentucky female athletes, our witness Riley Gaines is the first name that pops out.

And, Riley, on behalf of every great Kentucky Wildcat fan in the Commonwealth of Kentucky, we thank you for how well you represented Kentucky on the national level and for your advocacy today in being a leading voice in protecting women’s sports.

Ms. Gaines, has Title IX had a positive impact on your access to athletic and academic opportunities?

Ms. GAINES. Of course it has. I would not have been able to achieve what I achieved without Title IX and without the women’s sporting category.

Of course, it has developed me into the leader that I am today. It has given me the confidence to stand before this Committee and the security to stand firm in my belief that men should not be playing in women’s sports.

Mr. COMER. I know we had a witness that suggested that, because you worked so hard all your life to be the best—I mean, you were the best in female swimming; there is no question about that. And to have to lose or share a title with a biological male—you know, we had a witness on the panel suggest you should have just lost gracefully. I mean, I think that is a slap in the face to any athlete who worked so hard.

I mean, I was a below-mediocre basketball player on my high school basketball team, and I cannot imagine the work that you put in—that any great athlete, male or female, puts in. And I do not think you should lose gracefully. I think you should do exactly what you have been doing.

You are a class act. And you have been a leader. You have told your story. Many of us on this side of the aisle have heard your story many times, and we respect what you are doing, and we stand with you. I just want you to know that.

Ms. GAINES. Well, I appreciate that a whole lot.

And just for the record, I have certainly lost gracefully many times in my career. Even speaking to the incident of Thomas and I at the national championships, we tied for fifth—granted, fifth in the entire Nation, so it is still an incredible achievement, but there were four women who beat me. And I am incredibly proud of those women who beat me.

So, I certainly can and have lost gracefully many times in my career.

Mr. COMER. I lose gracefully a lot on the golf course. Not really. But I lose a lot on the golf course.

Coach Russell, if the Biden Administration successfully redefines Title IX to include gender identity, are you concerned that young women will miss out on the athletic and academic opportunities that would be afforded to them?

Ms. RUSSELL. Absolutely. So, not only would biological males be able to take the positions on teams away from females, that includes then scholarship money at different levels; it includes awards at different levels; it includes now NIL money, so sponsorship money. It is not just a one-off. There are many different levels that that will hit, yes.

Mr. COMER. Well, Madam Chair, before I yield back, I just want to thank our witnesses who are here today advocating for female sports and Title IX. This is a great hearing.

And we look forward to working with you to—as a Majority—to protect women’s sports and Title IX moving forward.

With that, Madam Chair, I yield back.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Ms. Lee from Pennsylvania for 5 minutes.

Ms. LEE. Thank you, Madam Chair.

I must say I am surprised to hear that my Republican colleagues care so much about protecting the, quote, “safety, privacy, and opportunities of women,” since their voting record and priorities this Congress shows the opposite.

A report released last year in conjunction with the 50th anniversary of Title IX found that men’s athletic programs received more than twice as many resources as women’s programs in 2020 and that expenditures for recruiting and compensating head coaches and assistant coaches favored male athletes nearly three to one.

Yet the 2024 appropriations bill did nothing to expand access for women in sports. It did, however, contain a rider to prevent the proposed Department of Education rule relating to transgender athletes’ ability to participate in sports.

Ms. GOSS GRAVES, to your knowledge, do any of the bans preventing transgender students from participating in sports increase funding for women’s sports?

Ms. GOSS GRAVES. No, they do not.

Ms. LEE. Do any of these bans improve playing fields or increase the number of women’s teams?

Ms. GOSS GRAVES. Absolutely not.

Ms. LEE. Do any of these bans provide resources to expand recreational sports opportunities for low-income female athletes?

Ms. GOSS GRAVES. No.

Ms. LEE. While this Committee purports to care about the safety of women, in 2021, when the House voted to reauthorize the Violence Against Women Act, 80 percent of the Republican caucus voted against that law. Not a single Republican Member of this Committee, nor our current Speaker, voted for it.

That bill included a provision to close the boyfriend loophole. Currently, people convicted of domestic violence against a spouse cannot purchase a firearm, but nothing prevents a boyfriend from acquiring one.

Ms. Goss Graves, unlike gun violence, where the data is clear, is there any evidence that allowing transgender athletes to participate in sports presents a safety concern for women?

Ms. GOSS GRAVES. Absolutely not.

Ms. LEE. Because my Republican colleagues also claim to be concerned about women's privacy and opportunities, let us also discuss the Women's Health Protection Act, which passed in the House last year and would protect and expand access to abortion care. Not a single Republican voted for this law.

The right to abortion is rooted directly in the right to privacy. And research has repeatedly shown that the ability to access abortion corresponds with greater economic opportunities for women.

Ms. Goss Graves, is there any reason to believe that allowing transgender young people to participate in sports threatens women's privacy or employment or economic opportunities?

Ms. GOSS GRAVES. None of those things are threatened by the participation of transgender individuals in sports.

Ms. LEE. Thank you.

In fact, is not there a risk that banning transgender athletes could lead to privacy violations, either through requiring documentation or invasive examinations?

Ms. GOSS GRAVES. There is a deep worry there. And some states have passed that sort of sex verification law, which would subject all women and girls to those sorts of examinations.

Ms. LEE. Ms. Goss Graves, what should we actually focus on if we want to protect opportunities for women in sports?

Ms. GOSS GRAVES. There is an opportunity right now to promote further resources to address sexual abuse that is happening in sports; to provide the sort of resources that mean more kids have an opportunity to play; and to advocate that the Biden Administration finalize this rule that has been waiting for so long. That is where we are.

Ms. LEE. We have seen these same misguided arguments before, rooted in false stereotypes, when athletes of color tried to integrate White sports leagues, who were accused of taking away opportunities from White athletes.

Black women in sports, whether they are cis, trans, or intersex, constantly encounter shifting roles and expectations as a reprimand for their success. They are accused of doping or cheating in order to win. People make cruel remarks about their perceived femininity and create racist depictions of their physicality—all in attempts to discourage and exclude them from competing and ultimately to keep them from winning. They were wrong then, and they are wrong now.

I am offended to see hatred and bigotry wrapped up in faux concerns about women and girls. We are talking about children wanting to play sports, wanting to feel included and accepted.

I would like to quote the Republican Governor from Utah, Governor Cox's veto message, who said, quote, "Rarely has so much fear and anger been directed at so few. I do not understand what they are going through or why they feel the way they do, but I want them to live."

I yield back.

Mrs. MCCLAIN. I now recognize myself for 5 minutes.

Ms. Gaines, why is it patently unfair to allow biological males to compete in women's sports?

Ms. GAINES. I mean, look at what has happened, I mean, even if you just look at the examples recently. We do not see females entering into men's sports and dominating. This is only happening one way, and with that way being males entering into women's sports and dominating.

Of course, I could get into the science of it. I mentioned the athletic gap in my testimony, which is consistent among sports, specifically sports where there is a time, an objective time, like swimming or track and field. It tends to be 10 to 12 percent across the board.

You look at things like wingspan or height or lung capacity or the size of the heart, which does not change with hormone suppression. And, again, of course, going through puberty, those effects are irreversible.

Mrs. MCCLAIN. So, you are actually telling us to follow the science?

Ms. GAINES. That is true.

Mrs. MCCLAIN. Second question. I know that you have been active in working with Kappa Kappa Gamma sorority in Wyoming. Can you explain what is going on there and why it is so important that sororities remain female-only?

Ms. GAINES. Absolutely. Which is a part of, of course, this Title IX rewrite. It is a lot broader than just women's sports, and sororities are a part of it.

What those girls at University of Wyoming are going through—and I know this because I talk to them daily. They just refiled their lawsuit this morning. What they are going through is nothing short of—I mean, it is perverse, allowing a male into their sorority house, watching them as they shower and undress, walking around—in the vein of being explicit here, but, again, true—walking around erect in their sorority house, asking them uncomfortable questions about what undergarments they wear, about their breasts.

That is violating for any young girl, especially a college-age young girl, who was promised sisterhood, mind you. Granted, these girls got the brother they never wanted.

Mrs. MCCLAIN. Thank you.

Ms. Parshall Perry, the Biden Administration has claimed that their April 13, 2023, proposed rule governing Title IX and athletics will bring clarity. Is that true?

Ms. PARSHALL PERRY. Well, it was not until this Administration where the definition of "sex" was ever anything other than clear. And, in fact, the entire structure of Title IX is built on a sex binary.

The purpose of regulatory law in the Administrative Procedure Act is to let the Federal Government contain and work on rules that clarify anything that might be perceived to be ambiguous. The previous Administration had already released a Title IX rule in 2020 making very clear certain guidelines on sexual harassment and sexual assault, and until this Administration, there was no ambiguity whatsoever.

Mrs. MCCLAIN. And what harm will come to our female athletes by redefining "sex" in Title IX to include gender identity?

Ms. PARSHALL PERRY. It is hard to quantify the market impacts of the individual girls who are suddenly divested of the opportunities to achieve scholarships, play on athletic teams, to pursue the classes that they want, to ultimately—because we know there is a connection between success on the field and success later in life. These are individuals who are not only going to suffer those particular direct impacts, they will bear the brunt.

In addition, there is going to be a market relationship fallout we have yet to even begin to quantify.

Mrs. MCCLAIN. And that—to women and girls?

Ms. PARSHALL PERRY. Yes, absolutely.

Mrs. MCCLAIN. OK.

Let me, real quickly—Ms. Russell, can you speak to your experiences with cancel culture and the treatment you received at Oberlin College because you stood up for women?

Ms. RUSSELL. My own children just say, “Mama, you have been canceled twice.”

Yes. I would say I went into Oberlin as a fairly liberal person. I still love everyone and support everyone, no matter who you want to be, what you want to—who you want to decide you want to present as.

There are extreme differences in the biology of men and women. I have experienced it as an athlete and a coach and a parent. As an athlete, I chose to play co-ed field hockey as an adult. My worst injury I have ever had came from that. A man fell on top of me when I fell this way. I am 5’4”, maybe 120 pounds soaking wet. I have not ever been bigger except when I was pregnant. When he fell on me, two of my ribs popped off of my sternum. Those are the kind of injuries.

And what happened to Payton McNabb has recently happened to another high school athlete in California whose dad is too afraid to say anything. And this cancel culture—what has happened is kids are too afraid to say anything. Parents are too afraid to say anything. Coaches are in massive fear of losing their jobs. Professors are in massive fear of losing their jobs.

Mrs. MCCLAIN. All for standing up for women.

Ms. RUSSELL. Yes.

Mrs. MCCLAIN. Thank you, Ms. Russell.

And, with that, my time is done.

The Chair now recognizes Mr. Raskin.

Mr. RASKIN. Thank you kindly, Madam Chair.

The Ranking Member quoted the Republican Governor of Utah, who said something to the effect of, never before had he seen so many be so cruel to so few, who just wanted to participate.

And, Ms. Goss Graves, let me start with you. It sounds to me like what we are mostly talking about here is the women who are at the very highest levels of their sport in the final competitions. We are talking about the very best.

But do you get complaints about this, or have you heard complaints about this, just with people participating in either co-ed sports generally or transgender athletes who are part of an intramural softball league or people playing not for very high stakes but playing for the reason most of us play, which is to get exercise and have fun?

Ms. GOSS GRAVES. You know, about two dozen states have been racing to try to ban transgender participation in sports at all levels. And many of those states have struggled to identify any transgender individuals who are actually playing sports.

What we are dealing with right now is not an overwhelming number of transgender athletes in all places, but, actually, the sort of political rhetoric that is creating this fervor that makes people believe that transgender people, who are less than, you know, half of one percent of the population, have an outsized presence in sports.

And it is not to protect women's sports, it is not to expand the opportunity for women to play, it is not to bring more resources, and it is not for school districts to create safer conditions. There are other things that we know that work that increase safety in sports. This is not it.

Mr. RASKIN. So, Ms. Russell, let me ask you, because you are a lacrosse coach. I have got two daughters who played lacrosse. You seem like you are a great coach. Tell us—first, answer that question. Are we talking about just the highest level of sports where you are identifying a problem? I mean, is it a problem to have co-ed sports or transgender kids playing at a lower level, for intramurals and stuff like that?

Ms. RUSSELL. So, nobody here that I have heard has said anything about outlawing transgenders from playing sports.

Mr. RASKIN. And you do not favor that?

Ms. RUSSELL. No. What I am saying, personally, and I believe I have heard here is that I do not believe that biological males should be playing on exclusively women or girls' teams.

Co-ed is completely different. When you play co-ed, in general, boys and girls know they are playing with each other. It is played differently. It is not played with the same intensity as a men's sport.

Mr. RASKIN. OK.

Can I just ask about your personal experience—which you alluded to. But you ended up losing your job or leaving Oberlin, do I understand it, not because of something that happened with your team or a transgender player on your team but because of something you said about what happened in another league in another state? Is that right? Did I follow you?

Or just tell me what the story was. I did not follow.

Ms. RUSSELL. So, I am sorry, are you asking why I am no longer coaching there?

Mr. RASKIN. Yes. I thought that you were telling us the story of that, but I could not quite follow the logical sequence. Can—maybe it is not related to that. I just—I thought that it was related to your views on this.

Ms. RUSSELL. So, I told the story publicly. And the college did not—

Mr. RASKIN. Well, what story did you tell? I am sorry.

Ms. RUSSELL. Of what happened to me at the college when I did speak up about biological males competing against biological females.

Mr. RASKIN. But was it at Oberlin? Or it was—

Ms. RUSSELL. No.

Mr. RASKIN. It was elsewhere.

Ms. RUSSELL. It was elsewhere.

Mr. RASKIN. So, you do not—do you have any direct experience of this, of what you are talking about, or no?

Ms. RUSSELL. Of biological males playing at Oberlin with biological females?

Mr. RASKIN. Yes. In other words, is that where this comes from, or no?

Ms. RUSSELL. No.

Mr. RASKIN. Oh, OK.

OK. So, Ms. Goss Graves, let me just come back to you finally. Secretary DeVos, in the Trump Administration, she took the position that transgender kids should not be able to participate, I think, across the board, you know, not just at the highest levels or whatever, but just categorically could not participate.

And the Office of Civil Rights in May 2020 ruled that a Connecticut high school could not maintain its policy allowing transgender students to participate in athletics on a team corresponding to their gender identity.

How did that policy—because I understand the policy today is it is up to the schools to decide when it is appropriate and when it is not appropriate, under the Biden Administration rules. But how did that policy of categorically banning it affect children?

Ms. GOSS GRAVES. What a categorical ban means is that a child who wants to play does not have the chance to play.

It also means that, even if you are a transgender kid who, maybe you do not even want to play sports, you now have a giant signal coming from your government that you are less worthy, that discrimination against you will be OK.

And so, it is both the practical harm but then this broader message that policymakers are sending to young people that is disturbing.

Mr. RASKIN. Thank you.

And I yield back.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Mr. Gosar for 5 minutes.

Mr. GOSAR. Thank you, Madam Chairman.

There is an understanding of fairness. It is one that we almost instinctively learn from birth. Nothing offends a little child more than a sibling getting a treat and he or she does not. And America really hates cheaters. Just ask Lance Armstrong. Remember Deflategate? The uncovering of the steroid era was not kind to baseball. That is why beating women in women's sports is so obnoxious to the American public.

Not only is allowing men to play in women's sports a flagrant violation of fairness as well as posing a danger to women in a locker room and the bathrooms, making women feel the opposite of unique, as then anyone can become one, it normalizes and encourages the terrible reality and tragedy of children mutilating themselves in a misguided and hopeless attempt to change genders.

The Family Research Council cited the world professional association that the transgender health as a source of the following list of awful diseases that cross-sex hormones cause. Here is a list: blood clots, high triglycerides, cardiovascular disease, high blood

pressure, diabetes, high red blood cells, a destabilization of some psychological disorders.

It defies common sense that mutilation improves mental health. For the love of God, to everyone who promotes these terrible ideologies, desist, stop. Every time you claim a man can play in women's sports, every time you tell a child that they can be whoever, whatever gender you want to be, every time you read a book to a child promoting this propaganda, you are risking the health, happiness, and well-being of our children. Please stop experimenting with our youth.

Ms. Goss Graves, I want to ask you a question. Is the genetic composition of a transgender versus a woman the same? No.

Ms. GOSS GRAVES. Well, I am not a scientist, but—

Mr. GOSAR. Well, we are talking about science here. So, I mean, I hope you—they are not the same. So that is why you see all these physiological differences.

Ms. GOSS GRAVES. If I can answer, though. I mean, if your question is how do you define woman and woman is an adult female, but there is a lot of variation that goes beyond my level of biology and so—

Mr. GOSAR. Well, I can tell you, you cannot—I am not looking at a definition. I am talking about the science. The science genetically is a man is a man, has different genetics than a woman, plain and simple. That is just what it is.

Ms. GOSS GRAVES. I guess what I would say is that it is—I am not a scientist or a doctor, but it is my understanding that it is more complex than what you are saying in that there is variation among men and among women and sometimes more variation among than there is between. Again, I am not a scientist and, you know, I do not think the panelists are scientists either. It seems like it may be a different scientific hearing that you can—

Mr. GOSAR. Well, that is why you have the differences. That is why you see muscle mass. That is why you see tidal volume. That is why you see all of these—

Ms. GOSS GRAVES. Right, variations. So, for example, in the WNBA, there is players that are 5-foot-5 and there is players that are 6-foot-9, so a wide variation in height and in size and in—

Mr. GOSAR. So let me—now that you have brought that up, let us talk about that. So, the center for the Arizona Phoenix Mercury, she had to get a genetics test to prove that she was a woman, did she not?

Ms. GOSS GRAVES. You know what—

Mr. GOSAR. She did.

Ms. GOSS GRAVES. [continuing] That is actually going to the problem with these sorts of sex verification and sex testing that when I think about what all women, but especially Black women whose bodies have historically fell outside the sort of typical—what is considered the typical norm, the idea that people would have to prove up their femaleness to play, it is horrifying, and it is going in the wrong direction. I do not think anybody wants that, especially—

Mr. GOSAR. Well, I theoretically disagree with you. I think we have got to be real with people about what their aspects are.

Riley, how does playing in women's sports affect—how do men playing in women's sports affect the esprit de corps of a team or the team spirit?

Ms. GAINES. Speaking to, again, my lived experience, first and foremost, it was a major distraction to have a male competing with us at the national championships. It was all we could talk about as a team. We were fearful to go into the locker room. We had to wait and watch if Thomas came out. Then we would enter to avoid going in at the same time. Of course, our sport is very physical, but there is a mental aspect to it. And allowing men into our sports certainly negatively impacted that mental aspect, as well as the physical, of course.

Mr. GOSAR. Ms. Parshall Perry, what are the likely costs to educational institutions complying with Biden's new Title IX rule which makes it almost impossible for schools receiving money to limit women's sports to only women?

Ms. PARSHALL PERRY. This is not just cost to education. This is cost to the Federal Government and taxpayers. It is cost to the medical community. It is cost to reduced lunch programs. And that is because Title IX intersects with section 1557 of the Affordable Care Act and the Food and Nutrition Act, which is the USCA's reduced school lunch program. That means that implicating this particular rule does not just affect sports. It affects everything from nutrition program funding. It affects the cost of litigation. It affects the cost of implementation.

Now we are requiring open locker rooms, open bathrooms as well. The cost of implementation, in addition to what are certain to be personal injury lawsuits as a result of the fact that these female students are now getting concussions, dental injuries, facial injuries. A school that does not protect its biological girls, maintains sex separate spaces is certain to going to be facing significant financial harm.

Mr. GOSAR. Thank you, Ms. Parshall Perry.

I yield back.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Ms. Ocasio-Cortez.

Ms. OCASIO-CORTEZ. Thank you.

Now I have spent a decent amount of my time here in Congress sitting through panels and hearings of men attempting to restrict the rights of women and telling us that it is for our own good. But I want to dive a little bit more deeply into why this issue targeting trans women in sports is particularly problematic, not just for trans girls but for all of us.

We are here today because there is a proposal here—and there is several proposals here—to further marginalize trans women in sports. And I think about this all the time because trans people in the United States does not even exceed one percent of our population. And yet there are so many resources and energy and time dedicated to figuring out how we can more finely exclude them from our sports. And I thought why—why? Why so much effort and dedication of such a tiny portion of the U.S. population when there virtually is no major issue that is precipitating? And started to realize that a lot of these proposals here involve invasion of privacy of all women.

Ms. Goss Graves, can you tell us a little bit about what sex testing looks like for youth in states with trans athletic bans?

Ms. GOSS GRAVES. It is terrible. In some states, any individual could challenge whether someone is a girl enough to play. In some states, it requires actual genital verification, which is shocking. And there are not—it is not as if there—

Ms. OCASIO-CORTEZ. And let me just stop you right there. You said there are some proposals. And we have seen this in Ohio. There was a proposed ban on trans athletes that originally allowed for genital examinations on minors in order to, quote/unquote, protect women. Is that correct?

Ms. GOSS GRAVES. Unfortunately, yes.

Ms. OCASIO-CORTEZ. And so, we are seeing here in this guise, under the guise of not only trying to further marginalize trans women and girls, we are talking about opening up all women and girls to genital examinations when they are underage.

Ms. GOSS GRAVES. That is right.

Ms. OCASIO-CORTEZ. Potentially just because someone can point to someone and say, I do not think you are a girl?

Ms. GOSS GRAVES. That is correct.

Ms. OCASIO-CORTEZ. And we are saying this in an environment of a post-Dobbs America where states are criminalizing access to abortion and want nothing more than data on women to figure out when who is getting a menstrual cycle, who does not have one, and we are supposed to believe that this is going to make us better and safer? I think not.

And per usual, I do not believe we are sitting here in a panel of men that has actually thought about the biology and privacy consequences of all women, trans or cisgender, here.

Ms. Goss Graves, in addition to that, are there certain groups more likely to face discrimination under these bans and what you were speaking to, particularly when it comes to Black women and girls?

Ms. GOSS GRAVES. Yes. We have seen that there are examples of Black women who are even professional athletes whose bodies have been more examined and demonized. We have seen that with my fan favorite, Serena Williams, whose body is often talked about, that sort of challenging them for who they are. If it is codified into law, it is something that we would expect to see more.

Ms. OCASIO-CORTEZ. And this also deeply intersects with a secondary issue, which is racial bias in the medical field when we have vast proportions of populations that have been studied and tested, are not racially or otherwise identity-based representative of the broader U.S. population. And so, what gets determined as a norm oftentimes gets pegged to largely White populations that have been studied, and then Black women and girls are then further subject to marginalization.

This has been your experience and what you have seen as well, right?

Ms. GOSS GRAVES. That is correct.

Ms. OCASIO-CORTEZ. And so, we are supposed to sit here on this side of the dais and, to Ranking Member Lee's point, see a party that has voted against women's access to abortion, voted against our right, the Lily Ledbetter Equal Pay Act, voted against the Vio-

lence Against Women Act, voted against our right to have access to contraception, and also does not even vote for equal funding, equitable funding in women's sports. And I am supposed to believe that this is who is looking out for my best interests? I think not.

And to that, I yield back.

Mrs. McCLAIN. Thank you.

The Chair now recognizes the gentleman from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. Yes. Second hearing I have been at today. Earlier today, we had a hearing on anti-Semitism on campuses, but they kind of flow together because both show the complete lack of commonsense of the people running our universities today. So, two different hearings, but we get the same thing out of it.

I am going to start with Ms. Gaines. You had participated in a small group that I was with earlier, and I learned something kind of out of this. This whole thing is kind of based on the idea that, you know, people are one way or the other.

As I understand it, is it true that people go all the way in transgender, that they still have to take hormones, that they really—you know, like if a boy becomes a gal, he still has to—he does not become a gal all the way; he still has to take hormones to deal with this?

Ms. GAINES. So different governing bodies of different sports have different rules. So, for example, FINA, which is the international governing body of swimming, now has implemented a rule that says, if you have gone through male puberty, you cannot compete with women. But then you have other sports, such as soccer, that says you can have—it is a testosterone threshold. So, I believe now it is 10 nanomoles per liter of testosterone any person, male, female, can possess and still be allowed to play on the women's team.

So, it varies by sport. But specifically, the NCAA, they had a blanket policy in 2010 that just said 12 months of HRT, which of course is hormone replacement therapy.

Mr. GROTHMAN. One of the things I always wondered about this—and I will ask Ms. Parshall Perry, and if you do not have an answer to that, that is OK. As I understand it, from what I have read, the vast majority of people, 80 to 95 percent, who go through what they call dysphoric gender identity eventually come back to their original gender. And I sometimes wonder, as we normalize this idea of guys playing in women's sports, are you kind of creating a situation, which would be tragic if it is true, that some of these guys are never going to switch back because their whole social setting is praising them for switching? I think it would be kind of just too bad if they would have been in the 80 or 95 percent that snap back but because of this they will not.

Do you think that is a concern, Ms. Perry?

Ms. PARSHALL PERRY. I think absolutely it is a concern. In fact, studies show that 75 to 90 percent—

Mrs. FOXX. Your mic.

Ms. PERRY [continuing]. Of children if they are allowed to progress through—

Mrs. FOXX. Your mic.

Ms. PERRY [continuing]. Seventy-five to 90 percent of children if allowed to progress through normal puberty eventually make peace with their natal biological sex and avoid the trans dilemma all together.

We also know, based on studies, that social transitioning, including playing on a team specifically articulated by the Biden Administration in its Notice of Proposed Rulemaking, playing on the team that you want specifically for your gender identity not based on sex is an entree into ultimate medical transitioning.

Now, with the rise of detransitioners which we have seen in widespread formats, including out in California where Kaiser Permanente is subject to multiple lawsuits for fast-tracking gender identitarian surgeries, the mind reels at what the implications are going to be.

Mr. GROTHMAN. I did read that these people are 19 times more likely than the rest of the public to commit suicide.

You mean by encouraging these kids to play on an athletic team that does not match their actual sex, you may be sending them down this path in which they might wind up killing themselves?

Ms. PARSHALL PERRY. Absolutely. In addition to using cross-sex hormones or puberty blockers, that actually sets off many latent medical health—mental health conditions that may not have been previously diagnosed.

A full 30 percent in America of young women who are presenting to a gender confirmation clinic have not been diagnosed but are ultimately diagnosed with autism spectrum disorder. As the mother of two children on the autism spectrum disorder scale, I will tell you right now they are very, very obvious manifestations that someone not trained to look for would have to take into account rather than fast-tracking someone into medical and hormonal castration.

Mr. GROTHMAN. This is really interesting. I mean, I would say it is one thing if you are dealing with 30-or 35-year-olds, but we are here largely dealing with people whole are so young, you know, 14, 15 years old, and you wind up—you are kind of pushing them toward transitioning and maybe screwing up their whole life. Is that true?

Ms. PARSHALL PERRY. No question.

Mr. GROTHMAN. OK. Well, thank you very much.

And I will—

Mrs. MCCLAIN. Thank you, Mr. Grothman.

The Chair now recognizes Ms. Crockett from Texas.

Ms. CROCKETT. OK. All right. So most everyone up here on the other side of the aisle has endorsed a person that has been found liable for sexual abuse of women to be our President of the United States, but we are going to talk about how this party is going to protect women.

Protecting women, what exactly does that mean? Are we going to talk about sexual abuse? Because we can get into it, because we do have some real conversations that we can have about it. Considering the fact that we are currently in the middle of, say, a war, there has been allegations of rape being used in war. Seems like maybe we could have a few conversations about what it would look like to prevent that, what it would look like to maybe go and get

those hostages out, maybe go and send some money to our allies. It looks like we could do something of value.

But let me tell you, this session we have set so many good records. One of those records was we have had a record number of people that have retired or announced their retirements in the month of November from the House. And from everything that I hear, it is because this body has become completely unserious.

But we do have serious issues, especially when it comes to women. So, let us talk about what it looks like to protect women in this country.

When lawmakers like this are so far out of touch with what women need, we see states pushing back, at least states that will allow you to push back. I am from the state of Texas. And, of course, they do not want you to ever have an opportunity to raise your voice in the state of Texas. In fact, Ms. Parshall Perry, I know your organization, The Heritage Foundation, loves Texas. Ooh, they love Texas. They are always sending us some nonsense bills that somehow set this country on the wrong trajectory. They send them to Texas. They send them to Florida. Every deplorable state that we can think about, they usually are coming at us, you all's think tank.

But nevertheless—

Ms. GREENE. Deplorable state. Oh, wow.

Ms. CROCKETT [continuing]. When we talk about protecting women, what we have seen is, say—and the state of Ohio was one of the most recent states. When their lawmakers did not have the courage to do what they needed to do because, of course, we believe—

Ms. GREENE. Point of order.

Ms. CROCKETT [continuing]. Because we believe in gerrymandering in this—

Ms. GREENE. Point of order. Point of order. I move to strike her words, “deplorable states.”

Mr. RASKIN. That is not a point of order. Let the gentlelady proceed.

Mrs. MCCLAIN. The Committee will suspend. Whoa, whoa, whoa, whoa, whoa. Whoa, whoa, whoa, whoa, whoa. The Committee will suspend. Just hold—

[Discussion off the record.]

Mrs. MCCLAIN. So, I am prepared to rule. This is not a statement. A deplorable state is not a statement against a person, or it is not engaging in personalities, so I will continue, and you can reclaim your time.

Ms. CROCKETT. Thank you, Madam Chair.

So, we saw recently what the state of Ohio did when their lawmakers refused to listen to them. We also have seen what the state of Kansas decided to do. When it comes to protecting women, it seems like the only people that are standing up for women on an everyday basis are the people themselves. Because their elected officials that somehow get into these positions in a gerrymandered way, they do not seem to represent the interests of the people.

But let me talk to you about something that is very real in this country, and that is unhoused people. And I am sure that while we do not have an expert on the matter here, many of you may not

recognize that the majority of the youth that are actually unhoused in this country are members of the LGBTQIA community.

When we look at mental health issues in this country, if we care—because I heard terms that I never thought I would hear certain people say up in here—we had have heard about equality. We had have heard about regressiveness. We have heard about civil rights. I cannot get the Voting Rights Act passed. We have heard we need to follow the science. Are you kidding me, when we are sitting up here talking about anti-vaxxing and all this nonsense?

But let me tell you about somebody that I love very dearly who has struggled and suffered because of the ignorance that continues to be perpetuated, which is not what is in the will of the people. Young Libby, who has been my constituent for far too long and has gone through too much in the state of Texas. At the age of 7, Libby started testifying down at the statehouse about the bathroom bill—I think that was a Heritage Foundation situation as well—started testifying at the age of 7 about how it made her feel. Then, ultimately, Libby has been testifying, and at this point Libby is 13 years old.

And I am going to tell you something. I know that it was characterized as, oh, this is the cool thing to do and maybe people are encouraged to be trans and so they do not want to speak out and now that—it is not the easy thing to do when you have to sit here and prove your personhood every single time that you are walking around. You have got people that feel a way because they are losing in a sport—and listen, the trans person it do not sound like even came in first, from what I could tell.

But, nevertheless, I think we need to focus on real things that are real issues as relates to women. If you care about women, let us get the ERA passed so we can have equal rights. Let us make sure that we fully fund access to reproductive health. Let us make sure that we are protecting those that are being raped because they are being raped in this country as well as abroad. And this party has decided that even if you are raped and you are a child, guess what, you should not have access to reproductive healthcare. That is not protecting women.

And I will yield.

Mrs. McCLAIN. Thank you.

Before this gets even more out of control, I am going to try and reel it back in. I am going to remind everybody on what the title of this hearing is, “The Importance of Protecting Female Athletes and Title IX.”

So, Title IX was designed to give female athletes equality, fairness. This is about—and I am going to restate it again because we are getting off track—Title IX and protecting female athletes. I am happy to have other hearings, but I would like to stay focused on this hearing, if we could, which, again, is “The Importance of Protecting Female Athletes and Title IX.”

And with that—without objection, Representative Takano of California is waived on to the Subcommittee for purposes of questioning the witnesses at today’s Subcommittee hearing.

And with that, Mr. Burlison is recognized for 5 minutes.

Mr. BURLISON. Thank you, Madam Chairwoman, for holding this hearing.

I think this is an extremely important topic. And I want to reiterate the words of our colleague from Wisconsin. What is happening in our universities is insane. It is almost a de-evolution of thought that has occurred in Western culture for thousands of years, from philosophers like Plato to Descartes to Bacon that what is in your mind is not necessarily reality and the truth. And you can believe all day long in one thing; it does not mean that it is so.

And so, it is almost like this Nation and this attitude that we want to throw out all of this conventional thinking for centuries is really going to be the undoing of this Nation. But if you want to know where this Administration stands, all you have to do is look at the position statement from President Biden. He said, and I quote, "Let us be clear, transgender equality is the civil rights issue of our time. There is no room for compromise when it comes to basic human rights."

There is no room for compromise? That is pretty—that is a very definitive statement.

Ms. Gaines, what would you say to those that claim that there is no room for compromise when it comes to men competing in women's sports?

Ms. GAINES. That statement, I am just—truthfully, I am not even honestly sure what that would entail. In terms of compromise from women, I do not believe we should have to compromise anything. We should be—and this is what Title IX's original intent was, we should be entitled to competing on the basis of sex and without facing discrimination. But, again, what myself and my teammates and my competitors and girls around the country, high school level, college level, continue to face is blatant discrimination on the basis of our sex.

Mr. BURLISON. Yes. I can tell you, I am a father of two girls who both participated in sports. And I will tell you, when you are the parent on the sidelines and you are watching, the competitive—you know, every—all that nature flows. And when you see an injustice occur, you know, whether it is teams that are having children that are older than your kids, you know, playing or in the—and sometimes—I will never forget. For many years, boys and girls were equal, especially in soccer, right, which my girls competed in. But there was a point in which it was no longer the case. And as a parent, and all the parents on the sidelines, we would actually count the number, especially still in co-ed, we would count the number of boys and determine, you know, which team is probably going to win. And so, it was nice whenever they were able to actually hit an age where they were able to compete against other girls and other women.

But sadly, that is why everybody who sees what is happening knows that this is injustice. Anyone who is a parent who sees what is happening knows that this is an injustice. In fact, a survey of parents in the United States concluded that 70 percent of parents do not think that this is a good idea, and yet we are doing it. And so—or that it is being done at our university levels. And, of course, if you object, you are considered trans—you know, transgressive or transphobic, and you are effectively canceled.

Ms. Russell, you were effectively canceled for standing up for female athletes on your team. What would you say to others in a similar position who are wondering whether or not they should speak out?

Ms. RUSSELL. I would still suggest that everybody speak up because it is because of silence that this continues. There are—the amount of support I received once I went public, the number of emails, direct messages, phone calls all was positive. Everything on social media was positive in support of this position that girls and women sports needs to stay female only.

Mr. BURLISON. Well, Ms. Russell, thank you for your courageous stand. We appreciate that.

I just want to say, you know, to Ms. Gaines, what happened to you is tragic. I mean, you were robbed of the glory. You were robbed of your opportunity to be clearly the victor. And if it were not so tragic, it would be comical. And I understand there is a movie being made, the comedy about this very issue, on The Daily Wire that I cannot wait to see.

Ms. GAINES. I encourage everyone to watch it. And, truthfully, I think that is what is needed, because what we are seeing, again, what myself and my teammates and my competitors saw was a mockery, a mockery of women. And I believe it is time we mock the mockery through comedy because, you are right, it is objectively funny. It is inherent to almost look at this and laugh because it feels like satire. But watching that movie, to which I watched, it did not feel like satire. It felt like a documentary of what, again, myself and girls around the country continue to go through.

Mr. BURLISON. Thank you.

My time has expired.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Mr. Takano for 5 minutes.

Mr. TAKANO. I thank the Chair, and I thank the Committee for the opportunity to participate.

You know, Ms. Russell, these numbers—I will try to get the substantiation somewhere. But men in this country interscholastically receive \$252 million more in athletic scholarships than women for the 2019–2020 year. And girls generally have approximately \$1.1 million fewer opportunities than boys to participate in high school athletics. Title IX has not been able to fix that.

Does this seem—does this ring true, the statistic I just read to you?

Ms. RUSSELL. I do not have the statistic in front of me, but what I do know is that there are so many more opportunities because of Title IX. And if we allow men and boys into women's sports, which is what is happening, then those opportunities—

Mr. TAKANO. I just want to get your reaction to whether—

Ms. RUSSELL [continuing]. For more scholarships go away for women.

Mr. TAKANO. Well, I do not know whether or not excluding transgender athletes from participating fixes this gross inequity of \$252 million more in athletic scholarships for women [sic] and \$1.1 million fewer opportunities for girls than boys to participate in high school athletics. My point is that excluding transgender ath-

letes who constitute less than one percent of this country is not a fix to the gender inequities in sports.

Let me just read to you—

Ms. RUSSELL. Am I allowed to say something?

Mr. TAKANO. No. I reclaim my time.

I want to read to you an excerpt of the veto message from Governor Spencer Cox of Utah when he vetoed the trans ban in sports. He said there is—he reads his final reason for this veto. He says, “I must admit, I am not an expert in transgenderism. I struggle to understand much of it and the science is conflicting. When in doubt, however, I always try to err on the side of kindness, mercy, and compassion. I also try to get proximate, and I am learning so much more—so much from our transgender community. They are great kids who face enormous struggles. And here are the numbers that have most impacted my decision: 75,000, 4, 1, 86, and 56.

“75,000 high school kids participating in high school sports in Utah. Four transgender kids playing high school sports in Utah. One transgender student playing girls sports. Eighty-six percent of trans students reporting suicidality. Fifty-six percent of trans youth having attempted suicide.

“Four kids and only one of them playing girls sports. That is what all this is about. Four kids who are not dominating or winning trophies or taking scholarships. Four kids who were just trying to find some friends and feel like they are part of something. Four kids trying to get through each day. Rarely has so much fear and anger been directed at so few. I do not understand what they are going through or why they feel the way they do. But I want them to live. And all the research shows that even a little acceptance and connection can reduce suicidality significantly. And for that reason, as much as any other, I have taken this action”—meaning to veto this bill—“and hope that we can continue to work together and find a better way. If a veto override occurs, I hope we can work to find ways to show these four kids that we love them and that they have a place in our state.”

I find that remarkable.

Now, following that veto and following the override, it is interesting because there was an incident in Utah where parents perceived that the winner of a contest, of an athletic contest, was really not of that gender, was not really a girl. And so, what happened is the parents forced this woman, this young girl to undergo a genital inspection because her body type did not conform to that of what they thought was a girl and feminine.

And I just want to insert this article, you know, “Judge Blocks Utah Trans Sports Ban, While Probe of Athlete Emerges,” into the record.

I also would like unanimous consent to enter into the record the veto message of Spencer Cox of Utah, the Governor of Utah.

Mrs. MCCLAIN. Without objection.

Mr. TAKANO. Ms. Goss Graves, I mean, you cited earlier this issue of straight girls who win being subjected potentially to this invasion of privacy.

Ms. GOSS GRAVES. That is correct. All girls are subject to these sorts of sex verification processes, whether it be the abusive genital examinations or tracking menstrual cycles or other sorts of deep in-

vasions of privacy. But I think who will be most harmed by that, actually, are the girls who do not generally fit a stereotype, and there has been a lot of stereotype conversation today. Lots of people fit a stereotype and lots of people do not conform to stereotypes. And Title IX for 50 years has had something to say about that.

Mr. TAKANO. Thank you.

I am sorry for going over, Madam Chair. I yield back.

Mrs. MCCLAIN. Thank you.

Ms. RUSSELL, I will give you a few seconds to respond.

Ms. RUSSELL. This is the second time I have heard in here exclusion of transgender athletes. We are not talking about excluding anyone. We are talking about keeping female sports for biological females only, women's and girls' sports for biological females only. That does not exclude anyone.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Ms. Foxx, Chairman Foxx for 5 minutes.

Ms. FOXX. Ms. Russell, I would like to continue on this issue. In terms of what Mr. Takano was saying, my understanding is, along your line, it is not just—and it is not a matter of—it is not just a matter of people who pretend to be girls or women who are biological males moving into girls' and women's sports to take a place, but is not there an issue of the difference in strength and the issue of safety? Aren't those primary issues with saying biological men should not be competing against biological women?

Ms. RUSSELL. You are correct. So even if a biological male is on puberty blockers—I mean, sorry—testosterone blockers, they can still maintain their muscle mass with their workouts.

As far as the safety, right now we just talked about three different high school athletes who have been injured by biological males. One of those biological males is not transgender. And the speed of the shot that he took that hit the girl in the mouth in field hockey, if you do not know what a field hockey ball looks like, it is harder than a baseball and harder than a lacrosse ball. The muscle mass in men, it is not just that; it is the body composition. The hips are thinner. They are not made to give birth to children.

Ms. FOXX. Right, right.

Ms. RUSSELL. They are not made to breastfeed children.

Ms. FOXX. Thank you very much.

Ms. Gaines, thank you very much for the great work that you are doing in bringing this issue, keeping this issue in the forefront of people's minds.

The lack of transparency provided by the Biden Administration about changes to Title IX and other aspects of their social agenda is concerning, particularly for parents. Ms. Gaines, how did your parents find out you would be changing clothes in the same locker room as a biological male?

Ms. GAINES. Well, I had to call my parents. As mentioned in my testimony, we were not forewarned we would be sharing a changing space. The only time—the first time we became aware we would be forced to undress next to, again, this 6-foot-4, 22-year-old male, fully intact with and exposing male genitalia, was when we were inches away from this male also simultaneously undressing.

And I will tell you, I called my parents, specifically my dad, and he was outraged.

Ms. FOXX. And so, no one was informed about this ahead of time.

What are your former teammates—I am sure you have been around them. How are they responding to these sweeping changes in women’s sports?

Ms. GAINES. Being team captain at University of Kentucky both my junior and senior year, I made sure to facilitate an environment where everyone felt comfortable sharing their views. And what I noticed was 38 out of the 40 girls on the women’s swimming and diving team felt the exact same way I am sharing with you. And, again, I do not claim to speak for every single girl, but I do claim to speak for the overwhelming majority of us because I saw the tears from the girls who, of course, placed 9th and 17th and missed out on being named an all-American by one place. And I felt the extreme discomfort, and I can attest to the whispers of anger and frustration from those girls who, just like myself, had worked our entire lives to get to that point.

Ms. FOXX. Thank you.

Ms. Parshall Perry, what impact do you believe the Biden Administration’s attempts to change Title IX will have in parental involvement in women’s sports? And how important is parental involvement? Why should we protect it?

Ms. PARSHALL PERRY. Well, this Administration is keen to divest parents of their constitutional authority to oversee the care and upbringing of their children at every turn. And the rise in what we have seen of these confidential gender identity policies and publicly funded schools is a perfect example of that, divesting parents from their ability to be involved in the children’s sports. The competitive nature of what will ultimately invest them going forward with the maturity and the success that they will need later in life I do not think just involves parents, I think ultimately involves a disservice to teachers, to educators, to school administrators. And the fact of the matter is just the second of these two rules is patently unconstitutional and will not survive a legal challenge.

Ms. FOXX. Ms. Parshall Perry, in their April 13 proposed rule, the Biden Administration uses the *Bostock v. Clayton County* ruling as justification. What is the Biden Administration’s error in using this ruling?

Ms. PARSHALL PERRY. It is hard to contain it into a very brief statement, but I will say that the opinion began with Justice Gorsuch writing, “We begin with the assumption that sex means biological distinctions between male and female.” At no point was sex expanded to include gender identity. Title IX and Title VII are completely different. Title VII, which was at issue in *Bostock*, is an employment law that prevents consideration at all of underlying sex or sex characteristics. Title IX, however, is exactly the opposite. It requires consideration of sex.

And because Gorsuch was clear to cabin the opinion saying, exclusively, we are not talking about anything but employment discrimination law, we are not discussing pronouns, bathrooms, dress codes, or locker rooms, that, unfortunately, was not a message I think the Department of Education was keen to listen to, so they patently ignored it.

Ms. FOXX. Thank you, Madam Chair.

Mrs. MCCLAIN. Thank you, Ms. Parshall Perry.

I want to make one clarification that the Ranking Member of the full Committee made. Our current Title IX rule in no way prevents transgender students from participating in sports. It simply said a school did not violate Title IX by having them compete based on their biological sex.

So, I just want to clarify that for the record.

And since I gave Ms. Russell a few extra minutes, I will tack that time on to you, Mr. Casar, so I—

Ms. LEE. Madam Chair, I ask unanimous consent to enter into the record this study by the British Journal of Sports Medicine showing that after 2 years of hormone therapy, most athletic performance differences between trans women and cis women disappear, challenging what we have heard today that would have you think all trans women are so physically superior to cisgender women that they are bound to win every match and injure all opponents along the way. This narrative is not supported by science.

Mrs. MCCLAIN. Without objection, so ordered.

Mrs. MCCLAIN. With that, the Chair now recognizes Mr. Casar for 5-ish minutes.

Mr. CASAR. Thank you, Chair.

I want to take a step back and think about the big picture of what we have been talking about in this Committee hearing when we talk about trans youth participating in sports. Because when we are here at the seat of government in the U.S. Capitol and we talk about young people, I think we should be talking about how we support them. And if anyone needs support, it is probably trans youth who are more likely to have faced bullying and isolation and doubt and usually have a harder time than most of our kids.

But instead of talking about how to support all of our youth, especially our most vulnerable youth, people in my state, like Greg Abbott, have used their government power to pick on trans kids and get TV news hits about those kids' ability to play in sports. And instead of funding schools, supporting teachers or counselors or youth programs, I have got an extremist legislature singling out what we have been talking about today, a small handful of kids who are already suffering from pain with more pain.

Because those families that I have met with and am talking about, they know that when we spend our time in these seats of power talking about them instead of with them about these challenges, that creates even worse mental health issues, even more just really hard times for some of these families who are now questioning their own residency in my state. That is what we are dealing with here today.

And so, like any other athlete, trans athletes sometimes win, sometimes they lose. But in talking with a very small handful of them, they talk about how this is a chance at comradery, this is a chance at relaxation, this is a chance at teamwork.

And so, in my view, instead of spending our time picking on trans youth, we should be listening to them, bringing communities together, figuring out how to solve the real challenges that our youth face, rather than angling for the latest segment on FOX

News. We should be focused on expanding opportunities for all of our young people and find ways to let kids be kids.

So, now for my questions. Ms. Goss Graves, are you aware of any reason to believe that allowing trans athletes to participate in girls' athletics is limiting opportunities for cisgender athletes?

Ms. GOSS GRAVES. Absolutely not. In fact, there is a lot of gender inequity in sports and in schools. The trans athletes are not the source of it. They are not the source of resource inequity. They are not the source of not having the same level of coaching. They are not the source of not opening up new sports teams when you have a group of girls who say, "I just want to try playing lacrosse and your school will not start a lacrosse team."

Trans athletes are not the reason that we have gender inequity in sports, and they are not the reason that, 50 years after Title IX was passed, its broad promise of addressing sex discrimination in education is still unfulfilled.

Mr. CASAR. Thank you for that answer.

And so, Ms. Goss Graves, how could we, since we are in these seats of power, better support women's athletics and increase opportunities for girls and women who want to participate in sports?

Ms. GOSS GRAVES. There is a range of things that would be important. You could provide additional resources to schools, especially schools who have fewer resources to devote to sports. Oftentimes what we have found in areas where they have fewer resources, what they end up doing is investing hugely into male sports programs and deciding that they are not going to invest in female sports programs.

You could also take action on the information that has come out about sexual abuse in sports, abuse by coaches, by athletic trainers, by sometimes medical doctors. This is not something that is coming out about trans athletes. It is about schools looking away from the harm that their employees are causing.

There are a range of things I would be happy to work with you and with this Committee on it.

Mr. CASAR. So, as Mr. Takano mentioned, the four trans athletes in Utah, it is not them that caused the huge disproportionality in funding for men's sports versus women's sports. In fact, what you are saying here is it may not be trans athletes or is not trans athletes taking opportunities away who are in sports; it might actually be guys like us on daises like this one not investing equally in women's sports.

Actually, I have here an example from the Women's Sports Foundation saying that men received \$252 million more in athletic scholarships than women in the years 2019 and 2020. A report released last year for the 50th anniversary of Title IX found that men's athletic programs received more than twice as many resources as women's athletic programs in 2020, and expenditures for recruiting and compensating head and assistant coaches favored male athletes about three to one.

So, I want to enter both of those documents into the record. First, the May 2022 report from the Women's Sports Foundation, titled, "50 Years of Title IX: We're Not Done Yet." So, I would like unanimous consent to enter that into the record, along with this re-

port from 2022 from the NCAA, titled, “The state of Women in College Sports.”

Mr. FRY. [Presiding.] Without objection.

Mr. CASAR. Thank you.

So, I think that this is a really important part of the question. One, how can we better support young people in general? And then, second, if the claim is that by supporting trans young people and their mental health and their ability to be fully included in themselves, we are hurting women’s sports, then we will actually ask ourselves, what is actually hurting women’s sports? And it might be the amount of scholarship money that many of us who were male athletes immediately had access to that women athletes did not have access to, or the fact that many of us who were male athletes could participate in sports over the summer and in the fall semester and in the spring semester and do a second set of sports and that you already had your uniforms paid for and you already had the ability to get state championship trips paid for. Maybe we could be talking about those things if we are going to be talking about sports.

Ms. Goss Graves, just to close here, how can bans on trans athletes participating in girls’ and women’s athletics actually also harm those cis students?

Ms. GOSS GRAVES. Well, we have talked a lot about the sort of sex verification that we have seen. And that is how you prove—how states are requiring proving up that you are girl enough or woman enough to play. But I also just want to say this has been studied. The issue of trans exclusionary policies, sports participation for girls overall in high school declined in states that had trans exclusion policies. So, when we are inclusive, everyone wins.

Mr. CASAR. Wait, so you are saying where there have been more trans inclusive policies, you have actually had more women participate in sports?

Ms. GOSS GRAVES. Correct. That is correct.

Mr. CASAR. Thank you.

I yield back.

Mr. FRY. The gentleman yields.

The Chair now recognizes himself for 5 minutes for the purpose of asking questions.

You know, what is interesting about this entire debate, we dealt with this in South Carolina when I was in the general assembly. It shocked me the polling when you look at this, the amount of people that support keeping girls in girls’ sports and men in men’s sports, 70 percent around the country. The American people cannot agree 70 percent on anything. But on this they are there. They understand it, and it makes commonsense.

And so, Ms. Gaines, when you travel the country, what are some of the things, the stories that you hear from women who are seeing this in their schools and on their campuses?

Ms. GAINES. Well, first and foremost to your point, as we see a lot of times both at the state and Federal level how Representatives vote, Senators vote, Delegates vote, how we see the media portray this issue, it seems as if it falls on party lines. But just as you said, that could not be further from the truth.

This extends beyond the political aisle, and that is certainly something I have seen traveling the country, going state to state, talking to women who have been impacted by this in some capacity, whether that be in their sport, whether that be women in prisons who have dealt with men—male inmates being allowed into their prisons, whether that be, again, the case of the sorority in Wyoming, whatever the situation might be, bathroom instances. As we saw this week a headline about a male who was allowed to sleep in a bed and be roomed with a woman, and the answer is always the same thing, in that this is harmful specifically to women. It adversely affects women.

Again, this whole hearing we have not talked about females entering into men's sports because that is not a threat, and it is not happening, and it will not happen because this is only happening one way, and that way is the way that affects women negatively.

Mr. FRY. Right. And so, you look at the polling on this—and we just talked about this, but it is remarkable to me—I mean, this is the success of Title IX. When you have, you know, roughly 300,000 at the start in 1972, female athletes and now you are over 3 million, people understand what is going on. Your parents understood what was happening in your locker room. They understand what is going on. That is why they are so supportive of keeping a fair playing field and supporting Title IX in its original intent.

What are some of the concerns—and maybe not the specific instances, but maybe some of the themes that you hear from women across the country?

Ms. GAINES. Well, one, as we mentioned, safety aspects, especially in sports that require physical contact or throwing something at one another or collision, these girls are scared.

Another thing I hear across the country is women are terrified to speak out. They are terrified to be vilified. They are terrified to be called transphobic or bigots, like we have been called in this hearing today, for stating our views, and that is a real threat. And I understand it, because since taking the stance that I have taken, my address has been leaked. And since my address was leaked, I have had people showing up at my doorstep. I have had drones flying above my house. I cannot even tell you the amount of death threats that I have had that have rendered the FBI getting involved. It is real. The vitriol I have faced. I have been held for ransom for over 4 hours where these protestors demanded that if I wanted to make it home to see my family safely again, I had to pay them money. I have been hit. I have been spit on. I have had bottles thrown at me, drinks poured on me.

Again, Thomas' teammates in particular, they were forced every single week to go to mandatory LGBTQ education meetings to learn about how just by being cisgender, they were oppressing Thomas. And when they were concerned about the locker room aspect and 16 of these swimmers, Thomas' teammates, sent an email to their administration, with their parents on the email, expressing their discomfort in the locker room, the Administration responded back with, "if you feel uncomfortable seeing male genitalia, here is some counseling resources that you should seek in an attempt to reeducate yourself."

At Roanoke College—

Mr. FRY. In light of the time, Ms. Gaines, just real quickly—
Ms. GAINES. Yes.

Mr. FRY. I know that the locker room situation that you described earlier, do you think that the NCAA is actually working to improve this situation or is it kind of status quo with them and sweeping it under the rug?

Ms. GAINES. It is certainly status quo. President Charlie Baker testified in front of the Senate Judiciary Committee a few weeks ago. And when confronted with that exact question, you know, what does this policy pertaining to the locker rooms look like right now, he could not answer. He did not know what the policy was. He had to tell Senator Hawley, well, let me get back to you in writing.

And I think that is incredibly telling for the NCAA president to not even know the policy as it stands pertaining to locker rooms.

Mr. FRY. Ms. Parshall Perry, you described that the Federal Government is perpetuating an athletic fraud of unprecedented proportions on students.

Do you think, one, that the Biden Administration's efforts will actually leave a lasting impact on women's sports? And a followup of that, do you hope to see a different approach in a different administration?

Ms. PARSHALL PERRY. I think the best and different approach would be to leave Title IX alone as it was originally intended to be interpreted. There was no ambiguity whatsoever in the definition of sex. And, ultimately, what keeps us here is our failure to identify biological distinctions between one sex and another. We can use terms like "cis" or "trans" all we want, but men and women are different, and the American public knows it, which is why 70 percent of the American populous wants sports separated by sex. The *Washington Post*, Harvard Harris, Rasmussen Reports, all of them across the line, no matter their ideological bent, all indicate that Americans want sex-separated sports.

I do have a very strong feeling that this law will automatically be challenged in a Federal court. We know that the notice of interpretive guidance has already been seized. It is already now based on 20 states. It is in a holding pattern based on the ultimate release of this final rule. It is a violation of administrative law, civil rights law, and constitutional law. And the ways to challenge it are too long, I think, for the timeframe of this hearing today.

Mr. FRY. Thank you for that, Ms. Parshall Perry.

And with that, I recognize Mr. Garcia of California for 5 minutes.

Ms. LEE. Very quickly, Mr. Chair. I would like to seek unanimous consent to enter into the record a court decision from the District Court of Utah in *Roe v. Utah High School Activities Association*. My colleagues have asserted that their proposed interpretation of Title IX would not prevent trans kids from participating in a sport. But as a Utah district court acknowledged in *Roe v. Utah High School Activities Association* regarding trans girls on girls' sports teams, quote, "If they are not eligible to play on girls' teams, they have no meaningful opportunity to play at all."

Mr. FRY. Without objection.

Mr. FRY. Mr. Garcia, you are recognized for 5 minutes.

Mr. GARCIA. Thank you. Thank you, Mr. Chairman. So, I, first of all, thank you for allowing me to waive on this hearing today.

I think it is important to have different perspectives. And, certainly, before my time being here in Congress for this last year, I served as Mayor of my community, but before that, most importantly, I worked for 10 years on a college campus. And so, I understand very well what the experiences of my former students have had and what being an athlete and having those experiences also means for so many students.

Let me also just say that an advancement for women in sports and athletes has been incredible, of course, over the last two decades. And I have seen even my own institution, the university where I worked at, the ability to transition and encourage women's sports, to fund sports in a way that is equitable for all of our students has always been really important. And so, I celebrate in advance how far women athletes have come in sports for women across our university systems and community colleges. It has been really something to celebrate.

I also think it is important as an openly gay person to recognize that our community, especially trans people in our community, are constantly being attacked. And I know that some folks have said that—or being called bigots or you fear there is bigotry, well, there is a lot of bigotry, particularly against people that are trans in this country and against the LGBTQ+ community.

What the rest of us like myself as an openly gay person, gay man, faces nothing compared to what transgender people face in this country. And our community needs to be divided—and we cannot be divided amongst ourselves when this hateful, kind of vile language happens to so many that are already suffering from severe challenges and disadvantages in this country.

Now, we know this Subcommittee is tasked with oversight over Federal healthcare policy, food and drug safety, and monetary policy, all important things, but instead, of course, we are focused on the cruelty toward the LGBTQ+ people at the Federal level. Now, our voters sent us here to address our country's biggest challenges, but instead we are, once again, going into battle and trying to move our rights backward not forward.

We know that the Majority oftentimes goes back to moral panic and inciting what I believe is violence and hatred toward gay people, and we have seen this playbook over and over again.

Now, sports remain a place where all LGBTQ+ people can feel free to play and to be accepted. We also know that LGBTQ+ people are underrepresented in sports and particularly trans and nonbinary athletes. There are fewer, by the way, than 100 trans and nonbinary athletes in NCAA sports out of over a quarter of a million athletes. So, the 226,000 athletes that participate, we are talking about less than 100 actual people. And I want to remind us that there are less than one percent of people identify as trans in the United States when you look at the whole population. Either it is .4 or .5 percent identify as trans.

So, what we are really talking about here is a very small percentage of the population that are constantly being attacked and attacked and attacked over and over again. And we know that for

trans people, their lives are already endangered in so many ways around mental health challenges and access to healthcare.

Now, Ms. Goss Graves, is there any reason to think that people are transitioning, often completely radically changing their life and their health, just to gain a competitive advantage in women's sports?

Ms. GOSS GRAVES. There is absolutely no evidence of that. And, actually, putting that notion out there in a formal setting with policymakers sends a really terrible message.

If I could just say one thing about what I hope transgender young people who may be watching this hearing know, and that is, the sort of legislative bullying that they may experience in their states or they may have heard in these halls is not where the majority of the people in this country are. In fact, the vast majority of people see right through it and do not like that bullying.

Mr. GARCIA. And I agree with you.

And you may or may not know this, but there are more Republican and far-right bills moving through legislatures and through different bodies across the country than they are actually trans kids and youth playing in sports across the country. And so, the attacks that are happening we should be ashamed of.

And, as I remind, as I conclude, half of trans and non-binary youth struggle with thoughts of suicide every single year. And that is what this hearing should be about, versus the attacks on trans athletes.

I yield back.

Mrs. MCCLAIN. Again, this is a hearing about women, protecting women and protecting Title IX. It is not against any group.

But, with that, I recognize Mr. Langworthy for 5 minutes.

Mr. LANGWORTHY. Thank you, Chair McClain, for holding this hearing.

And I cannot believe that I have to say this here today, but biological males competing in women's sports is fundamentally unfair.

My colleagues on the other side of the aisle time and again tell us to follow and trust the science. Yet we are here, having to have a debate on a subject in which science has proven definitively that males have a physiological advantage over women, including body size; greater muscle mass; increased lung capacity; larger hearts, bone density, and mass; and less body fat.

These differences create significant performance gaps between post-pubescent males and females. And these are the facts. And those who claim otherwise are threatening the integrity of Title IX and the ability of women to compete on an equal playing field.

The Department of Education's proposed rule conflates sex with gender identity and block schools from adopting and enforcing policies that altogether ban transgender students competing on teams consistent with their gender identity. This move sacrifices the integrity of sports, denying the importance of maintaining a level playing field for all athletes.

Ms. Parshall Perry, you previously wrote that, rather than clarifying Title IX's application to sex-based criteria to athletics, that this proposal complicates it. Could you elaborate on that?

Ms. PARSHALL PERRY. It makes something that was previously very cut-and-dried, very simple, and for which there are five dec-

ades of jurisprudence and congressional history, and suddenly likes to pretend that we do not understand what this definition of “sex” was.

In fact, this took—this particular law that we discuss today was the result of 250 different versions between House and Senate bills and months and months of negotiation. So, to say that somehow “sex,” when it was adopted, was somehow ambiguous is just patently untrue.

So, what we have seen, even after Title IX was amended in 1987 with the Civil Rights Restoration Act, there was specifically an opportunity to again go back to the drawing board to expand the definition of “sex” to include gender identity.

This is about, at bottom, the rule of law, the Constitution, and congressional authority. The Biden Administration cannot, with the stroke of a pen, unilaterally redefine longstanding Federal law without going through the appropriate process.

Mr. LANGWORTHY. Thank you.

And, Ms. Gaines, your profound dedication to sports, including your tenure as a swimmer at Kentucky’s women’s teams, it speaks volumes.

Given your extensive experience, do you fear that if the Biden Administration redefines Title IX to encompass gender identity that it might deprive young women of academic and athletic prospects that they rightfully deserve?

Ms. GAINES. Of course.

As we have seen, again, at least the past year and a half since I have really started noticing this issue after I was directly impacted by it—we are seeing this as a trend, and it is an exponential trend, and, again, only going one way—and that is, adversely affecting women.

So, I believe if the Biden Administration pursues this rewrite and equates sex with gender identity, this would most certainly negatively harm women.

Mr. LANGWORTHY. And as per the *Washington Post*, women’s sports have seen an incredible surge, growing over 1,000 percent in the last 50 years, and, as many have said, 3 million participants in 2022.

Do you share the concerns that allowing biological men to dominate women’s sports might discourage women and girls from pursuing athletics, K–12 and in higher education?

Ms. GAINES. Absolutely. And it is not only necessarily the domination aspect. It is the safety aspect. It is the fear of speaking out. It is the locker-room aspect. Those are all contributors to ultimately discouraging women from playing sports.

And I want to say, too, it is not about domination. A male playing on a women’s team, even if he places dead-last, it is still taking a roster spot, it is still taking an opportunity away from a deserving woman. So, it is not all about domination.

But, yes, I certainly believe this issue does discourage women from playing sports.

Mr. LANGWORTHY. Thank you.

This intrusion threatens to undermine hard-fought progress and to deter future generations from embracing the opportunities sports offer.

And with my remaining time, I want to turn back to you, Ms. Parshall Perry. What more can Congress do to ensure that the Biden Administration is not able to radically alter Title IX?

Ms. PARSHALL PERRY. A couple of things.

First, if this rule is published, this chamber has 60 days to be able to vote on a congressional Review Act challenge and disapprove the law. I encourage the individuals who are forthright and brave, with a courageous steel spine, to be able to do just that.

If for some reason a congressional Review Act challenge fails and it goes through to the Federal Register, I am quite certain there are a number of individual public-interest law firms that are ready to file suit.

And in the interim, this chamber, as well as the upper chamber, should consider passing legislation specifically to keep sex separated and distinct by biological sex.

Mr. LANGWORTHY. Thank you.

Many of us in this Committee and across Congress were parents and were grandparents to young women who will directly bear the consequences of an Administration that chooses to ignore a scientific reality—the clear and biological differences between men and women. We cannot stand by and allow radical policies to trample on commonsense.

And I am proud to yield back, Madam Chair.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Mrs. Luna for 5 minutes.

Mrs. LUNA. Madam Chair, I would like to make a point of order.

Mrs. MCCLAIN. The Subcommittee will suspend.

State the point of order.

Mrs. LUNA. I identify with my pronouns as state and states, and, thus, I move to strike “deplorable states” from the record.

Mrs. MCCLAIN. The Committee will suspend.

The point of order is not timely due to intervening debate occurring after the words were said. Point of order is overruled.

Mrs. LUNA. Thank you.

Ms. Gaines, are you familiar with the name Caitlyn Jenner?

Ms. GAINES. I am.

Mrs. LUNA. Can you tell me real quick—because we are on time here—who Caitlyn Jenner is?

Ms. GAINES. Yes. Caitlyn Jenner is formerly Bruce Jenner, who, of course, was and still is one of the world’s most renowned and accomplished athletes, competing in the men’s decathlon, winning gold medals and world records, but now, of course, has transitioned, identifies as Caitlyn Jenner, and is not competing in sports anymore competitively.

Mrs. LUNA. Are you aware that Caitlyn Jenner has come out against men competing in women’s sports?

Ms. GAINES. I am.

Mrs. LUNA. Why do you think Caitlyn Jenner did that?

Ms. GAINES. Given the fact that he is an athlete himself, was an athlete, I believe he understands the differences between men and women.

And given the fact that he has also transitioned, I believe he understands the struggles that come with gender dysphoria and what that looks like, has weighed the differences between the two, and

still sees a fundamental unfairness about allowing men into women's sports.

Mrs. LUNA. As a Member of Congress, we are in charge of putting together the guidelines for our offices, specifically referencing sexual harassment.

Would you consider exposing genitalia to someone who does not want to see that as sexual harassment?

Ms. GAINES. I certainly would.

Mrs. LUNA. Do you feel that you have been sexually harassed as a result of biological men competing and having to undress in front of you and other women in the locker room?

Ms. GAINES. I do. Again, nonconsensually being exploited in front of a fully naked and fully intact male, I believe that meets the definition of sexual harassment.

Mrs. LUNA. Have you ever been physically attacked by standing up for women's rights in sports?

Ms. GAINES. I have.

Mrs. LUNA. Can you name the biological sexes of those that have attacked you?

Ms. GAINES. They were men who were dressed as women.

Mrs. LUNA. Can you repeat that again?

Ms. GAINES. They were males who were dressed as women.

Mrs. LUNA. So, you were attacked by men?

Ms. GAINES. Yes.

Mrs. LUNA. Can you let me know whether or not law enforcement pressed charges?

Ms. GAINES. There were no charges pressed.

The university actually—this was at San Francisco State University. The university, in the days following—actually, that next day after this attack took place—where, again, I was held for ransom for 4 hours, with the police actually being held for ransom in the same room with me—the university released a statement.

It was Dr. Jamillah Moore, who is the Vice President of the Student Affairs at San Francisco State University. She released an email to their entire student body saying she was so proud of their brave students for handling me in the manner that they did, applauded them, and then gave them counseling resources to help cope with my presence on their campus.

Mrs. LUNA. Do you think that there should be accountability for a man who hits a woman?

Ms. GAINES. Absolutely.

Mrs. LUNA. Do you feel that you are personally being basically outed by even some Members up here because of the fact that you are standing up for women's sports?

Ms. GAINES. Yes. I believe being called transphobic for saying that women deserve privacy, that we deserve safety, that we deserve equal opportunities, we deserve to maintain our dignity—I believe that is certainly an attack on my character, for sure.

Mrs. LUNA. I would just like to clarify for the record, I do believe in a woman's right for self-defense. So, I mean, as someone who has personally applied for my concealed carry, I think that you should do the same, because, obviously, you are being attacked. And I think that that would be a great second debate here with House Oversight. But I think that that is something that you

should consider doing, being that you have received threats because of what you are doing currently. So, just for the record.

Ms. GAINES. I am way ahead of you.

Mrs. LUNA. Good.

I just want to close out by saying this. You know, up here, especially being a new mother, I find it very ironic that people that seem that they would champion women's rights are now throwing someone like you under the bus.

And I just want to say for the record, there is no such thing as a "birthing person", it is called "mother." There is no such thing as "chestfeeding", it is called "breastfeeding." And, finally, there is no such thing as equality for women if you are attempting to eliminate from sports.

Thank you, Ms. Gaines.

Ms. GAINES. Thank you.

Mrs. MCCLAIN. The Chair now recognizes Mr. Sessions for 5 minutes.

Mr. SESSIONS. Madam Chairman, thank you very much, and thank you for holding this hearing.

I would like to, if I could, engage at least Ms. Parshall Perry and Ms. Russell, as coaches and people who have been into sport for a huge number of years.

You have recognized the NCAA and their authority over sports. As it conducts itself—what I believe is, they have always tried to create fairness, whether it is betting, whether it is hundreds of rules and regulations about recruiting, things that they have rules on literally A to Z.

I was an athlete. I do not remember if it was a D1 or D2 school, quite honestly, because if I called it a D1, I think it used to be a D2 school; it is now a D1 school. But I was a D1 or -2 athlete and went through a number of rules and regulations, and right and wrong, and good and bad, and how things worked, and have been used to that, as one of my sons is a recruited D1 athlete.

And the NCAA has a lot of governance. And they always tend to know the answer. And they always tend to have a rule governing what I think is fairness but also safety.

This seems like, to me, that the NCAA, if they are the governing body over what occurs at NCAA meets or matches, should be very concerned about this.

What do you believe—where do you believe they have failed to provide guidance and governance and safety in this issue? Either one of you, please.

Ms. PARSHALL PERRY. I can say specifically that the NCAA has kicked the ball down the road, as it were. They have decided to leave leadership of the governing sports organizations to their own rules, developing whether or not individuals need, for example, testosterone suppression or whether or not sports can be separated by biological sex.

Unfortunately, the NCAA has a significant influence. Their membership, their ranking system is a sword of Damocles, where the other athletic organizations, the managing bodies, and the institutions that want to maintain their ranking—whether that is D1, D2, or D3.

And so, to fail to make a unified policy maintaining sex-separated spaces, as the NCAA has recognized for years, it is ultimately made it harder for college administrators, who are now faced with the Hobson's choice of, do we forego our ranking, do we forego the revenue that comes with it, or do we essentially tow what is coming from the Federal Government's party line, that sex equals gender identity?

Mr. SESSIONS. So, you believe they are being led in this case by the Federal Government?

Ms. PARSHALL PERRY. I think it is setting the tone for the entire Nation.

Mr. SESSIONS. Ms. Russell?

Ms. RUSSELL. I would agree with Ms. Parshall Perry. The NCAA has passed the buck.

I went on their website and looked at every single sport to see what each sport's policy was. Many of them were the 10-nanomoles-of-testosterone level. The ones that had the strictest rules against biological males were triathlon and water polo. So, if you want your daughters to have the best chance to play, put them in triathlons and water polo. Otherwise, good luck.

Mr. SESSIONS. Well, it seems to me that the NCAA has failed in its, what I believe is overburdensome governance, that they have failed in this.

Ms. GAINES, you and I spoke last August in Colorado, and you were still, very appropriately, really shocked and surprised that this even happened without your notice, without your consent, without the coaches being aware. And you considered it to be an assault—I am going to use those terms—that you were faced with a male in a locker room. And it is true that I think that there should have been some understanding that they were going to take advantage of you and the things that were of norm.

Have you clarified your—or would you clarify your ideas now about how you felt with this?

Ms. GAINES. Just as you said. I do believe it was an assault. And to sum it up in words here, of course, undressing next to a male who is also undressed, of course it is awkward, it is embarrassing, it is uncomfortable, but I believe the best words to describe this—of course, it is utter violation. It is betrayal by the people who were in place to protect us—at least supposed to protect us. And I believe the best word is “traumatic.”

And not even necessarily traumatic because of what we were forced to see or, again, how we were forcibly exploited. It was traumatic to me and my teammates to know just how easy it was for those people in power who created these policies to totally dismiss our rights to privacy without even a second thought, without even, bare minimum, forewarning us.

Mr. SESSIONS. I want to thank each of you for being here today.

Madam Chairman, thank you very much. I yield back my time.

Mrs. MCCLAIN. The Chair now recognizes the Chairman of Judiciary, Mr. Jordan.

Mr. JORDAN. Thank you, Madam Chair.

I want to thank all our witnesses for being here as well.

It seems to me there are, sort of, two problems here. There is the fundamental problem, which is, you know, letting men compete

against women in sports is just crazy. I love what Governor Huckabee Sanders said in the response to the State of the Union. She said, "The divide in America today is normal versus crazy." And this is one of those obvious divides. It is crazy to think it is OK to let guys compete against girls in sports. That is just a given. The whole country knows that. Anyone with common sense understands that.

But I am also more concerned—or maybe not more concerned—just as concerned with what happens if you speak out against it, which is exactly what happened to Ms. Russell.

Because, Ms. Russell, my understanding is, you had a—you coached, what—first, you were a Division 1 athlete; is that right?

Ms. RUSSELL. Yes, that is correct.

Mr. JORDAN. Division 1 lacrosse player. And then you coached for, I think, 27, if I read your thing—27, 28 years you coached?

Ms. RUSSELL. Yes.

Mr. JORDAN. So, you are not just some rookie coming in off the street. You have coached a long time. You have had all kinds of success, right? You have won awards. I think you run the national program at some other—not in the United States but somewhere, I read in your thing. Where do you run the national program?

Ms. RUSSELL. The U.S. Virgin Islands.

Mr. JORDAN. So, you are an accomplished coach. But because you said what was normal, you got fired. Is that right?

Ms. RUSSELL. Because I said what was normal, it was not liked.

Mr. JORDAN. Yes. And they—

Ms. RUSSELL. And I was canceled.

Mr. JORDAN. Well, I should not say "fired." Yes, you were canceled, because you were not allowed to coach anymore.

Ms. RUSSELL. Correct.

Mr. JORDAN. They moved you somewhere else—I read your testimony last night. They moved you somewhere else in the athletic department or in the university at Oberlin. Is that right?

Ms. RUSSELL. Correct.

Mr. JORDAN. Yes.

And I always tell people, do not think they wo not come after you. Because I do not think—you are not some, you know, crazy, right-wing, conservative Republican, are you, Ms. Russell? You are just a coach. In fact, you even used the term—what did you say? You are the "hippie love coach"?

Ms. RUSSELL. That is correct.

Mr. JORDAN. That is not exactly how you describe Republicans—normally not how you describe Republicans.

So, this is your words. You have been nicknamed the "hippie love coach." You worked with all your student athletes, even some—I think you even said some who are transgender.

Ms. RUSSELL. Yes. I have coached three transgender students.

And in my support, after I spoke out, I have had many gay men, many lesbians, and a group of transgender athletes and people who are not athletes let me know that they support this. They support that women's sports should stay female-only.

Mr. JORDAN. Yes. And they were willing to confide in you because they trusted you. They knew you were a good coach. They knew you were there to help the student athlete. They understood

that, and they were willing to come—but that was not good enough.

This is the part that is so frightening. It is never good enough for the left. It has always got to be every single thing they want, or “we are coming after you.” Even if you are the hippie love coach, they are coming after you. And that is what they did to you. I mean, this is how the left, this is how the cancel-culture mob operates. It is a total attack.

So, this is bigger than—as bad as it is, what Ms. Gaines described, what she had to go through—and if I remember your story right, Ms. Gaines, you won but you were not able to be No. 1 because of this Lia Thomas individual. You actually won the race. I mean, bad enough as that is, this attack on the First Amendment and your right to speak out against that is just as bad and just as scary. Because that is across the board.

And I tell people all the time, you have five liberties under the First Amendment: your right to practice your faith, your right to assemble, your right to petition the government, free press, free speech. The most important one, by far, is your right to talk, because if you cannot talk, you cannot practice your faith, you cannot share your faith, you cannot petition your government.

And you spoke out against something that anyone with any common sense knows is ridiculous, and they came after you.

That is why this panel—and, Chairman, thank you for doing this—this panel and this subject is so darn important, because it is fundamental to who we are as a country. You cannot have a country if you are only allowed to say what the left says is OK.

And for people who stand up and defend that, they need to—Ms. Goss Graves, I do not know, I was not able to be here for all of this, but my guess is you are defending this idea that guys can compete against girls. Maybe not. I did not hear it. Do not think they wo not come after you at some point too.

I mean, here is how bad the left is. The left—the left—Dianne Feinstein, liberal, iconic Senator for the left, was not even good enough for the left. It was the Dianne Feinstein Elementary School in San Francisco—they went back and found something she said 30 years ago, and they said, we have got to rename the school.

So, no one is safe. If they can go after Ms. Russell, 27 years coaching, for saying something that everybody knows is true, they can come after anybody. And that is a dangerous world to live in.

I did not mean to speak that long. I actually wanted to let you guys talk. Ms. Gaines or Ms. Parshall Perry, if you want to say something, go right ahead.

Ms. PARSHALL PERRY. I think what we are seeing is sort of this philosophical devolution on truth. We have gone from an ontological perspective on truth—truth is truth, no matter how you feel—to a consequentialist approach on truth—truth is truth, so long as it does not hurt your feelings.

The law does not care about feelings. The law is the law, so that we have a method of American constitutional governance. And Title IX and the Constitution are very cut-and-dried. It does not matter whose feelings are hurt.

And if there are indeed less than one percent of individuals in the country who are transgender, as Representative Garcia men-

tioned, why the urgency from the Biden Department of Education to suddenly upend 50 years of civil-rights protections for biological women who benefit—

Mr. JORDAN. Great.

Ms. PERRY [continuing]. From Title IX? That is throwing the entire canon of civil-rights law on its head.

Mr. JORDAN. Thank you all.

Madam Chair, I yield back. Thank you.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Ms. Greene for 5 minutes.

Ms. GREENE. Thank you. And thank you, Chairwoman McClain, for holding this hearing. It is extremely important.

I say that not only as a former athlete but also very proud mother of a daughter who played her entire life, earned her D1 scholarship to her sport, which was softball. I am so proud of her, proud of her records. And I am also very grateful. She never had her opportunities, her records she set, stolen from her from a biological man trying to replace her, beat her, dominate her in her sport. So, I am very thankful.

I cannot believe we are here, though. I cannot believe we are holding a hearing today. As a matter of fact, I cannot believe many things.

Today, we have something called “gender-affirming care” in our country, which is really cutting off the body parts of people in order to make them feel like they are another gender, which is completely wrong. And this is something being pushed on kids, cutting off their breasts, castrating them, which really will lead to lifelong debilitating conditions, physical conditions, and mental illness—hopefully not suicide, but unfortunately that is the case.

Reproductive healthcare has been mentioned here, even the term “reproductive justice,” which is really capital punishment for innocent babies. There is nothing reproductive about abortion. It is murder.

But one thing I would like to talk about right now is a Gallup poll that was done in May 2023. Sixty-nine percent say transgender athletes should play on teams that match their birth gender or biological sex.

But guess what? That has actually gone up, because the left is losing the battle. Because in 2020, May 2020, the exact same Gallup poll was done, and it was only 62 percent that agreed that transgender athletes should play on teams that match their birth gender or biological sex.

So, watching biological men dominating real women in sports is moving America’s opinion to defend biological women and Title XI. This is a losing issue for Democrats because America fully agrees we have to protect women’s sports.

Ms. Goss Graves, in 2013 the National Women’s Law Center tweeted, “What have sports meant to you or a girl you know? Tweet it with the hashtag”—and then you put the hashtag.

You responded, “National Girls and Women in Sports Day. I am grateful to tennis. It is my late-night outlet that I still play 20 years after high school.”

Do you still play tennis, Ms. Goss Graves?

Ms. GOSS GRAVES. Not well anymore. My knees struggle.

Ms. GREENE. But it is a great sport, and it is always fun.

Ms. GOSS GRAVES. Yes. I have enjoyed playing it.

Ms. GREENE. And you mentioned that you are a fan of Serena Williams. Is that right?

Ms. GOSS GRAVES. I am. I am a Williams sisters fan. I am a tennis fan. I am actually a fan of most sports. I grew up playing sports and in a family that understood that there is so much value in playing sports, whether you are the best or not the best.

Ms. GREENE. I agree with you. And I am a fan of Serena Williams too. I think she is strong, I think she is powerful, and I think she is beautiful.

In 2013, Serena Williams stated, "If I were to play Andy Murray, I would lose 6-0, 6-0, in 5 to 6 minutes, maybe 10 minutes. No, it is true. It is a completely different sport. The men are a lot faster, and they serve harder, they hit harder. It is just a different game."

So, it sounds like she does not think she could beat men either.

But let us talk about some of your comments. You said that this is attacking and dehumanizing on trans.

Ms. Goss Graves, how do you think Ms. Gaines felt? Do you think she felt dehumanized, being forced to undress in front of men in her sports, or attacked?

Ms. GOSS GRAVES. Here is what I think about—

Ms. GREENE. That is a "yes" or "no" question.

Ms. GOSS GRAVES. But, if I could—

Ms. GREENE. Being forced to undress in front of a man, isn't that dehumanizing or attacking?

Ms. GOSS GRAVES. If I could answer this question, Madam Chairman, because I actually think this is really, really important.

The issue of privacy in locker rooms and in bathrooms, there is a wide range of ways and rules to—

Ms. GREENE. So, you feel like Ms. Gaines should have had privacy?

Ms. GOSS GRAVES. [continuing] Address that. You could put up a curtain. You could put up a door. You could have rotations. There are so many—

Ms. GREENE. I reclaim my time, Ms. Goss Graves.

Ms. GOSS GRAVES. [continuing] Ways to address that. And—

Ms. GREENE. Ms. Gaines, did you feel attacked and dehumanized?

Ms. Goss Graves. [continuing] What I have—

Ms. GREENE. Ms. Gaines, did you feel attacked and dehumanized?

Ms. GAINES. I certainly did. And in swimming locker rooms, there are no curtains, there are no stalls, there are no doors—

Ms. Goss Graves. But there could be. There could be curtains—

Ms. GREENE. I reclaim my time. It is Ms. Gaines' right now.

Ms. GAINES. That would be restructuring how I have competed my entire 18 years of competing for what we have described in this hearing today as such a small percentage of the population.

We would restructure and uproot what we are used to and what works and allows us to be—I think we can all agree, a locker room, in general, is not a comfortable place, even, of course, undressing in front of all women. But growing up a swimmer in that environ-

ment, again, for 18 years of my life, you become comfortable being vulnerable in that environment. And I had, and my teammates and my competitors, we had our vulnerability stripped from us by the leaders of the NCAA and, again, those who implemented this policy.

Ms. GREENE. Thank you, Ms. Gaines.

I yield.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Mr. Burchett for 5 minutes.

Mr. BURCHETT. Thank you, Chairlady. And thank you for bringing this important matter to our attention.

Ms. Gaines, in your experience, do the biological men competing in women's sports start competing before or after taking hormones?

Ms. GAINES. I guess it depends, but I have certainly seen both ways.

Mr. BURCHETT. Both? OK.

What guidelines does the National Collegiate Athletic Association, NCAA, have regarding male-to-female student athletes being treated with testosterone suppression?

Ms. GAINES. Well, from 2010 to 2022, they had a blanket policy in place for all sports that said just 12 months of hormone replacement therapy and you compete with the team that aligns with your gender identity.

But now the NCAA—and I think this is incredibly telling—they are in a phase-out approach, meaning they want nothing to do with the topic, which I think is—again, if they wholehearted stood by the fact that they believed males could be women and become the same as women, they would stand by their policy, but they are not.

They want to leave the responsibility and accountability up to each specific sport governing body. I believe they are in phase three or so of this approach, and it should be done by 2024 or 2025.

Mr. BURCHETT. Wouldn't men competing in women's sports at the collegiate level have already gone through puberty?

Ms. GAINES. Again, I do not know the exact statistic, but every single male that I have seen competing at the collegiate level in the women's category has gone through male puberty.

Mr. BURCHETT. Right.

If a male takes a year of testosterone suppressants, does his bone structure and muscle mass change enough for him to be similar to biological women?

Ms. GAINES. No, nor does his height, nor does his lung capacity, nor—

Mr. BURCHETT. All right.

Ms. GAINES [continuing]. Does his heart size, his wingspan, foot size. The list goes on.

Mr. BURCHETT. And doesn't testosterone have permanent effects through early life exposure?

Ms. GAINES. Of course.

Mr. BURCHETT. OK.

Ms. Gaines, another question. Once a man has started competing on a women's teams, do they ever switch back to compete on male teams?

Ms. GAINES. Not that I have seen.

Actually, I will say, there was a half-marathon runner—or, a marathon runner who just won in the open category, the non-binary division, at the Boston Marathon. Again, a male identifying as a woman, he has competed just this year alone in the men's, women's, and open category.

Mr. BURCHETT. OK.

Ms. Goss Graves, in 2022, you tweeted, “Maybe anti-trans laws are not actually about protecting women’s sports.” Now, that is not true. These laws are not only are to protect women’s sports but women too.

Last year, a biological male playing on a women’s volleyball team spiked a high-speed ball into a girl’s face, causing a concussion. And I believe I have the video, if we can show that.

[Video shown.]

Mr. BURCHETT. You see he just rifled it right into her head.

And that is not only example. Recently, during a field hockey game in Massachusetts, a biological male hit a female player in the face, reportedly knocking her teeth out. In another instance, three female rugby players were injured by a biological male player.

These are not just things that just—these are not just rare occurrences. You can find them all over the place, even in Tennessee, if you would look close enough.

Ms. Goss Graves, do you have any concerns at all about biological males competing in women’s sports injuring females?

Ms. GOSS GRAVES. I have deep concerns around injuries, generally, in sports. And I think the answer for this body, if they are interested, are the sorts of resources that reduce injuries—

Mr. BURCHETT. No, but I mean, are they not higher among biological men?

[Crosstalk.]

Ms. GOSS GRAVES. [continuing] Facilities, equipment.

I mean, the thing is—I know this is hard to hear—that people who play sports, that injury is a part of it. And it is unfortunate. And yet people still play, because they love it, they love playing.

Mr. BURCHETT. Yes, ma’am, but when you—

Ms. GOSS GRAVES. I did, too, as a kid.

Mr. BURCHETT [continuing]. Take away their ability—

Ms. GOSS GRAVES. I understand that.

Mr. BURCHETT [continuing]. To compete against some—ma’am, I am talking, please. I apologize. But when you take away their ability to compete by putting someone who is far superior biologically—that is the way God made them; that may come as some disruptive talk to some folks up here, but that is just the way it is—it is not fair.

So that was basically a “yes” to my question. And I want to—

Ms. GOSS GRAVES. No, I do not think it was. I think what I was trying to say, that I am concerned about injuries in sports, and I think there are things to do to reduce injuries in sports, and that additional resources to ensure things like coaching, to ensure things like equipment are more equal—

Mr. BURCHETT. OK. Let me stop you.

Ms. GOSS GRAVES. [continuing] Would actually reduce injuries that girls across this country face because they play sports.

Mr. BURCHETT. Yes, ma'am, but they do not play contact sports against men.

Now, Ms. Gaines, would you care to comment on that?

Ms. GAINES. Yes, I absolutely agree. Allowing men into women's sports of course increases the severity and the greater likelihood of women getting injured. And to ignore that is entirely disingenuous.

And let me just add one more point about the NCAA championships, in particular, that I find to be incredibly interesting, that we have not talked about in this Committee.

In that same meet where we had Thomas, who, of course, is a male identifying as a woman, we had another trans athlete, who was a female identifying as a man. We were told we had to refer to this person using he/him pronouns.

And so, I guess I wish there were more Democratic Members on the Committee, because I would love to ask, just plain and simple, the question of, do we believe that that person that we were forced to compete against, from Yale, Izzi Henig, who now identifies as Iszac Henig, should compete against the men? And why did this person compete with the women? And I can answer that question. It is because Izzi, now Iszac, would never and will never be able to compete at the same level against the males.

So not only were we, I guess, facing this discrimination against male athletes, we also had a female identifying as a man competing with the women, which I have no problem with if there was no testosterone being taken.

Mr. BURCHETT. Thank you all, and thank you ladies.

There are Democrats on this Committee. They just chose not to be here because this is obviously such an obvious answer to these questions.

Thank you, Chairlady.

Mrs. MCCLAIN. Thank you.

The Chair now recognizes Mr. LaMalfa for 5 minutes.

Mr. LAMALFA. Thank you, Madam Chair. I appreciate you allowing me to sit in on Committee here today.

It is a lot of contentious discussion here today. We have seen a lot of name-calling, people referring to people with different ideas or disagreements as some type of—phobes, transphobes or homophobes or whatever. And that is not really a place for you to have ideas or discussion about differences on important issues.

So, I have even seen, in my home state of California, where parents would want to talk with their children about if they are feeling feelings of wanting to associate with another gender, for example, that our California legislature has shut down the ability for kids to have counseling.

So, if there is—phobes on this—I saw, at the beginning of the hearing, Ms. Gaines was moved by a Democrat Member to have her words taken down because she cared to disagree with the name-calling that was being called her and, instead, put one back on and said, well, maybe you are a misogynist for not agreeing, you know.

So, it is pretty discouraging that you cannot have a rational conversation here, so—or even counseling for kids in California. It looks a lot like canceling to me.

So, I wanted to—a question for Ms. Goss Graves there.

Now, you are the president of what is known as the National Women's Law Center, right?

Ms. GOSS GRAVES. That is correct.

Mr. LAMALFA. OK.

So, we saw this report where a girl on a school trip was forced to share a bed in a motel room, I guess for expediency. I think she was about seventh grade, and a boy who was probably about seventh grade.

Does that seem like a good idea at that age? And what would the parents think about it, let alone what would the girl think about that? Is that a policy that your organization would support?

Ms. GOSS GRAVES. I am sorry, I do not—I am struggling to understand the example that you are talking about. There was a school trip—

Mr. LAMALFA. It has been widely reported that—

Ms. GOSS GRAVES. [continuing] Where were boys and girls sharing a bed?

Mr. LAMALFA. Yes.

Ms. GOSS GRAVES. I have never heard—

Mr. LAMALFA. A school trip.

Ms. GOSS GRAVES. [continuing] Of this happening.

Mr. LAMALFA. Well, as a policy, as a generic policy, what would you think of that?

Ms. GOSS GRAVES. I would advise that schools not require their students to share beds.

Mr. LAMALFA. Well—

Ms. GOSS GRAVES. I mean, I do not—

Mr. LAMALFA. Maybe for expediency for a trip, girls with girls, boys with boys, whatever, if that is what they came up with.

In this case here, because they wanted to protect this identity, they forced this girl to be in that situation, sharing with a boy. Does that seem like a good idea to you?

Ms. GOSS GRAVES. So, are you trying to call a transgender girl a boy? I am just trying to understand the example that you are giving me.

But, in any event—

Mr. LAMALFA. You know what I am talking about, a—

Ms. GOSS GRAVES. So, here is what I would say. I would advise schools to not have students share beds. I would advise schools to be really clear, if they have—

Mr. LAMALFA. In this case, they required them, because that is what they did, and they required this girl to share with a boy, so—

Ms. GOSS GRAVES. Well, I would advise against it. So—

Mr. LAMALFA. OK.

Ms. GOSS GRAVES. [continuing] I would say that that—

Mr. LAMALFA. All right.

Ms. GOSS GRAVES. [continuing] Is not a good idea. Schools have—

Mr. LAMALFA. All right. All right. Let us move—

Ms. GOSS GRAVES. [continuing] A longstanding obligation to address—

Mr. LAMALFA. Let us move to a different question.

Ms. GOSS GRAVES. [continuing] Harassment and create—

Mr. LAMALFA. Let us move to a different question. So—

Ms. GOSS GRAVES. [continuing] Conditions where students can thrive.

Mr. LAMALFA [continuing]. In general, it does not sound like that is for girl's and women's safety.

I have not heard your organization yet speak out against the horrific—or condemn publicly, what is going on with Hamas and the Jewish women that were dismembered by rape, by torture, the dehumanizing of Jewish women. Would you like to, here, clarify for us how your organization would feel about that?

Ms. GOSS GRAVES. So, rape in conflict and the information that has come out about what happened to women in Israel is horrific and devastating and godawful.

Mr. LAMALFA. Well, many lead organizations have not even expressed anything. It seems to be pro-Hamas. Is your organization willing to go on the record to say, we are against what Hamas did to women, we are against—

Ms. GOSS GRAVES. I mean—

Mr. LAMALFA. [continuing] We are against Hamas?

Ms. GOSS GRAVES. So, I should just be really clear, I do not support groups, but I also do not do global work. I work—

Mr. LAMALFA. OK. All right.

Ms. GOSS GRAVES. [continuing] In the United States—

Mr. LAMALFA. All right.

Ms. GOSS GRAVES. [continuing] On gender—

Mr. LAMALFA. All right.

Ms. GOSS GRAVES. [continuing] Justice issues.

Mr. LAMALFA. I will reclaim my time. Thank you.

Ms. GOSS GRAVES. But I am an expert—

Mr. LAMALFA. Reclaiming my time.

Ms. GOSS GRAVES. [continuing] On sexual violence—

Mr. LAMALFA. OK.

Ms. GOSS GRAVES. [continuing] And rape is horrific in any setting. And the—

Mr. LAMALFA. Sure.

Ms. GOSS GRAVES. [continuing] Fact that in the context of war and conflict—

Mr. LAMALFA. Reclaiming my time, please.

Ms. Gaines, I would like to switch a question to you.

Ms. GOSS GRAVES. This is so important, and I do not want to leave any misunderstanding.

Mr. LAMALFA. You did not answer the question directly, and that is—

Mrs. MCCLAIN. Well, he has reclaimed his time.

Ms. GOSS GRAVES. OK.

Mr. LAMALFA. So, Ms. Gaines, again, you have been courageous in your battle, with the name-calling and the stuff that happened in San Francisco.

Let me talk about, real quick, when you have transgender athletes, as they are called, participating in a sport, and let us say in track, for example, the top two are former males, they claim the top two spots, they qualify for, you know, scholarships in college, the first two places at the national meets, what does that feel like for the girls?

Do they, A, want to start boycotting games where there is males playing? Or do they just want to give up altogether? What is that going to do for women's sports if more and more of this happens?

Ms. GAINES. It is certainly a mix. There are some women who would love to boycott, but we have been told, you know, you signed a scholarship. So, there is fear of retaliation from your school.

There are some women who were so discouraged they quit. Speaking of, again, the case that we saw with Lia Thomas—I know I have referenced it a lot, but it is, of course, my lived experience—the University of Princeton had, I believe, 13 of their swimmers quit the sport entirely, to stop playing, being in the Ivy League, having to deal with this time and time and time again. And after talking with those girls, they explicitly stated they quit because they were subjected to allowing men into their sports and locker rooms.

Mr. LAMALFA. So, if the girls do not want to share a bed, they do not want to share a locker room, if they feel like they are being violated, and they finally sit out the sport, is that really good for, for example, executives? Ninety-four percent—

Mrs. MCCLAIN. The—

Mr. LAMALFA [continuing]. Of executives have been in women's sports. It is probably not good for them, huh?

Ms. GAINES. No.

Mr. LAMALFA. Thank you.

Mrs. MCCLAIN. The gentleman's time has expired.

Mr. LAMALFA. Thank you, Madam Chair. I appreciate it.

Mrs. MCCLAIN. Thank you. Thank you.

In closing, I want to thank all of you very much for taking time out of your day to be here today. I want to thank you for your testimony. I know it is heartfelt, and I appreciate it. It means a lot to me, as a mother, as an athlete, as a coach, as a woman. So, thank you for being here.

I now want to close, and I want to yield to the Ranking Member, Ms. Lee, for her closing remarks.

Ms. Lee?

Ms. LEE. Thank you, Madam Chair.

First, I just want to seek unanimous consent to enter into the record this statement by the National Center for Transgender Equity—excuse me, Equality.

Mrs. MCCLAIN. So, ordered.

Ms. LEE. Thank you.

A recurring theme from my Republican colleagues and their witnesses is that trans girls are more likely to injure other players during sports.

I would like to read a statement by a trans female high-school rugby player. And I quote: "At 5-foot-7 and approximately 140 pounds, I routinely go up against other women, from 5-foot-3, 100-pound players who are quick and agile, to 6-foot-tall, 250-pound women who are nearly double my size."

She continued, and I quote: "And during a scrimmage a few weeks later, I had my arm broken in a collision with a cisgender player. While unfortunately I cannot help but chuckle, because my experience is the opposite of narratives playing on unfounded fears, that cisgender women face a higher risk of injury from transgender

women on the field. My colleagues are grasping at straws for arguments that support their transphobic and dangerous stereotypical views of women's bodies.”

I think this hearing has shown how vital immediate action is to protect our transgender young people. On April 6, 2023, the Department of Education announced a proposed revision to Title IX regulations on students' eligibility for athletic teams. The Administration's proposed revision to Title IX would prevent institutions that receive Federal funding from applying blanket sex-related criteria that would limit or deny a student's ability to participate on a male or female team consistent with their gender identity. This proposed revision must be finalized.

We have seen how, without these protections, Title IX can be weaponized against transgender students. During her time running the Department of Education, Secretary DeVos repeatedly leveraged Title IX's prohibition of sex discrimination to roll back protections for transgender student athletes.

For example, in May 2020, the Department of Education prevented a Connecticut high school from maintaining its policy allowing transgender students to participate in athletics on a team corresponding to their gender identity.

In another case from 2020, Secretary DeVos's department successfully forced Franklin Pierce University to rescind its transgender participation and inclusion policy, despite the policy's compliance with the NCAA guidance for transgender athletes.

We need our Department of Education to be able to stand up and defend our transgender students, because they, like all willing young people, deserve to participate in sports. Transgender youth participate in sports for the same reasons as everyone else—to build and nurture friendships, increase self-esteem, and develop crucial skills like teamwork and discipline.

Equal access to school programs goes hand-in-hand with academic excellence. The Travel Project found that transgender and non-binary athletes had significantly higher grades than their transgender and non-binary peers who do not participate in sports.

You do not have to be an expert on what it means to be transgender to understand that singling out a small group of youth who simply want to participate with their peers is not how we, as elected officials, should be spending our time. These youth already face stigma and bullying, and these attacks only exacerbate those challenges.

Youth sports should be open to all, and policing the bodies or appearances of our youth hurts everyone. The anti-trans sports bills being signed into law across the country seek to create a problem that just does not exist, all for the sake of perpetuating hate against vulnerable groups.

This is not about preserving competition in sports. It is a way to mobilize would-be voters by turning trans rights into a political football.

I encourage the Department of Education to prioritize finalizing this proposed revision to protect our transgender youths. And I encourage my Republican colleagues to stop picking on kids.

I yield back.

Mrs. McCLAIN. Thank you, Ms. Lee.

Whatever happened to “I am woman, hear me roar”? What—what—have we lost our minds?

I sat here and listened to every—every label imaginable. I am here to protect women, girls. My God, why do I have to apologize for that? We spent decades trying to protect women, and you know what? We won. We won. So, I will not apologize now or ever for trying to protect my daughters and women in sports. And that is what this hearing was about, protecting women.

So, you know what? I am a woman, and let me tell you, hear me roar, because I will not stop protecting women. You want to know why? Because we have rights too. Women have rights too. And our daughters have rights too. Let me be explicitly clear on that. And I will never stop protecting our daughters. I will never stop protecting women. That is my job as a mother, and it is the right thing to do.

This hearing today has been extremely informative and heart-breaking. Frankly, I am mystified by the Biden Administration’s shameless failure to protect women’s rights. We talk about protecting women’s rights like that is such a bad thing, that that is so evil, to protect women’s rights. Have we lost our mind?

The Administration’s proposed Title IX rule will rewind decades of progress in women’s rights. The Biden Administration is weakening Title IX by allowing all males who identify as women to participate in women’s sports. OK. “Identify as women.” How about just be a woman? Why can’t I protect my women? Why can’t I protect my daughters?

Title IX was implemented by Congress to give women equal educational opportunities, including within federally funded school athletic programs. No, we are not there. Do we have a lot of work to do? You are doggone right we do. But if this language gets in by the Biden Administration, it will definitely not help women, I can assure you that. It will not help us on the progress route.

The Biden Administration’s rule would eliminate women’s sports as we know it. That is a fact. And you know how it starts? It starts little by little by little by little. All you have got to do is look at—it is called the salami mentality. Little by little by little. It starts by just a little, and then, before you know it, look at our tax system, right?

As we have discussed today, the Biden Administration has no legal grounds to support this rule. Congress is the Nation’s law-making body, not unelected bureaucrats in the Biden Administration.

In this world—in a world where biological males compete in women’s sports, women lose access to roster spots. It is true. It is not about your feelings. It is the fact. Women lose championships, records, and scholarships. That is just a fact. I am sorry if it does not fit your narrative, but it is the fact.

Women face serious injuries from contact sports with physically biological—or larger biological males. Again, do not let the facts get in the way of a good story.

Women face emotional trauma of exposure to biological males in spaces that should be safe and private for women, like the locker room.

And why should women have to change all the time? It would have been nice if we would have gotten a little heads-up, Riley, huh, about, hey, we have got a biological male competing. It would have been nice to have a heads-up. Then maybe we could have put the curtain up. But we do not even bother to tell anybody.

What about defending our women? What about defending my daughters? Don't I have a right? You know what? I say, yes, I do.

The proposed Department of Education rules will do nothing to preserve the safety or fairness of women's sports. This is about protecting girls and women. This is about protecting our daughters, our sisters, our nieces, and our granddaughters. And you know what? Lisa McClain is here to fight for them.

That is why I have drafted a bill, Save Women's Sports Act, to protect sports and fair competition across the Nation. Remember Title IX that we fought so hard for? My bill prohibits any school or university that receives Federal funding from allowing biological males from participating in women's sports.

So, you can do it; we are just not funding it. If schools violate the provision of this bill, they lose access to all Federal funding. You can be who you want to be, but the American people do not have to fund it, especially since about 70 percent of them actually agree with me.

Simply put, this bill will stop the pattern of unremarkable male athletes that switch to women's sports and suddenly come in first place, men like those we have heard stories about—men like the ones that we have heard stories about today.

I ask my colleagues to join me in protecting women's sports by signing this bill.

In closing, again, I want to thank our panelists once again for your brave and important testimony today. I am sure you are going to get canceled. I am sure I am going to get canceled. But you know what that tells me? My ladder's on the right wall and I am doing the right thing.

Thank you for sharing your stories. I do appreciate it.

And, with that, without objection, all Members have 5 legislative days within which to submit materials and additional written questions for the witnesses, which will be forwarded to the witnesses.

Mrs. MCCLAIN. If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 6:05 p.m., the Subcommittee was adjourned.]

