



Testimony before the House Subcommittee on Health Care and Financial Services: “The Importance of Protecting Female Athletics and Title IX”

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My name is Riley Gaines, and I am an Ambassador for Independent Women’s Voice. I am here today to urge you to protect women’s sports and Title IX.

My story is, by now, well known: Prior to joining IW, I was a student at the University of Kentucky where I was a member of UK’s Women’s Swim and Dive Team where I proudly finished my career as a 12x NCAA All-American and 5x SEC champion, SEC record holder in the 200 butterfly.

In March 2022, my teammates and I, and female swimmers from around the country, were forced to compete at NAAs 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 country, including Olympians and American record holders. Despite tying down to the hundredth with Thomas, I was denied the trophy because the NCAA claimed it was necessary Thomas was holding it when pictures were being taken.

But that’s not all. In addition to losing competitions to Thomas, we also had to share a locker room and change in front of this 6’4” fully intact naked male. As I have testified previously, we were not forewarned. We were not asked for our consent. And we did not give our consent to this exposure and exploitation.

Unfortunately, Thomas was not a one-off. Across the country, and in various sports, males are entering women’s athletic competitions, being selected for 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. At the high school level, the participation of male athletes on women's teams is, arguably, one of the most underreported stories in the country.

Americans know intuitively that this is not fair.

Science supports that instinct. In fact, studies consistently show male bodies have about a 10% athletic advantage over female bodies.¹ 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.

You don't have to believe me. Independent Women's Forum and Independent Women's Law Center have compiled the studies and scientific evidence in an easy-to-read report, complete with charts and other visuals.

This one-of-a-kind report also shows how allowing men in women's competitions puts women and 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, estimated to be at approximately 76 miles per hour. Payton experienced trauma to her head and neck and long-term concussion symptoms.

Just a few weeks ago in **Massachusetts**, a male player on the Swampscott High School Field Hockey team injured an opposing player with a shot to the face, sending the female athlete to the hospital with significant facial and dental injuries.

¹ *Competition: Title IX, Male-Bodied Athletes, and the Threat to Women's Sports*, Independent Women's Forum at 25, <https://bit.ly/3OvkfVZ> (accessed Nov. 21, 2023)

Injuries, of course, can and do happen even when females are playing against other females. But allowing males to play women's sports increases the likelihood and severity of such injuries.

That's 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.

Unfortunately, in April 2023, the Department of Education proposed a rule that, if adopted, would reverse this presumption. Under the proposed rule, women's sports aren't just for women—they are for anyone who identifies as a woman,² unless a particular school can demonstrate to the satisfaction of the Department of Education that keeping a particular team female meets "*important educational objectives*." More particularly, in order to keep women's sports female, the new rule mandates that every school in the country demonstrate the unfairness of male participation on each specific women's team that they offer and develop rules that "minimiz[e] harm" to trans-identified athletes.³

But what about the harm 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 woman's game, is denying a female student an athletic opportunity. That is sex discrimination, and it violates Title IX—regardless of what new regulations might say.

It is my sincere hope that members of this committee will take action to stop the Biden administration's illegal administrative rewrite of Title IX.

² See Comment of Independent Women's Law Center and Independent Women's Forum regarding implications of the Department of Education's proposed Title IX rule, *available at* <https://bit.ly/450dPDq>.

³ The proposed rule states: "If a [school] adopts or applies sex-related criteria that would limit or deny a student's eligibility to participate on a male or female team consistent with their gender identity, such criteria must, for each sport, level of competition, and grade or education level: (i) Be substantially related to the achievement of an important educational objective; and (ii) Minimize harms to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied." 88 Fed. Reg. at 22891.

There's a place for everyone to play sports in this country. But unsafe, unfair, and discriminatory practices towards women must stop.

Thank you.