



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 uphold the original intent of Title IX.

My story is, by now, well known: I was a student at the University of Kentucky where I was also a member of the women's swim team finishing my collegiate career as a 12x NCAA All-American, 5x SEC champion, and 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 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 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 pictures 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 identity of a male.

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 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 common sense Americans know intuitively that this is not fair to women.

Science supports that instinct. In fact, studies consistently show males have about a 10-12% athletic advantage over females.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. Take Thomas for example. He was mediocre against the men ranking in the 400ths and 500ths nationally at best, 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 she is partially paralyzed on her right side and has vision/memory impairment and she isn't playing college sports like she had dreamed for herself.

Just a few weeks ago in **Massachusetts**, a male player on the Swampscott High School Field Hockey women's team injured an opposing player with a

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)

shot to the face, sending the female athlete to the hospital with significant facial and dental injuries.

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.

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 simply claims to be 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*." 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 "minimiz[e] harm" to trans-identified athletes.³

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

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 athletic opportunity. That is sex-based discrimination, and it violates Title IX—regardless of what new regulations might say.

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.

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.

There's a place for everyone to play sports in this country. But unsafe, unfair, and discriminatory practices towards women must stop. Inclusion can not be prioritized over safety and fairness.

Thank you.