

118TH CONGRESS  
2D SESSION

# H. R. 9344

To require the Secretary of Education to carry out a grant program to promote youth sports programs in elementary and secondary schools.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 9, 2024

Ms. WILLIAMS of Georgia (for herself, Mr. TAKANO, Ms. VELÁZQUEZ, Ms. TOKUDA, Mrs. CHERFILUS-McCORMICK, Mr. POCAN, Mr. CÁRDENAS, Mr. CARSON, Ms. KAMLAGER-DOVE, and Ms. LEE of Pennsylvania) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To require the Secretary of Education to carry out a grant program to promote youth sports programs in elementary and secondary schools.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Promotion of Youth Sports Act of 2024”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) Title IX of the Education Amendments Act  
8 of 1972 (20 U.S.C. 1681 et seq.) broadly prohibits

1 discrimination and differential treatment in edu-  
2 cation programs and activities, including in school  
3 sports, on the basis of sex (including sexual orienta-  
4 tion, gender identity, sex characteristics, and preg-  
5 nancy and related conditions).

6 (2) The Supreme Court held in *Bostock v.*  
7 *Clayton County* that discrimination tied to sexual  
8 orientation or transgender status “necessarily entails  
9 discrimination based on sex; the first cannot happen  
10 without the second”.

11 (3) For decades, Federal courts have consist-  
12 ently found that title IX protects LGBTQI+ stu-  
13 dents, including the right of transgender and non-  
14 binary students to access sex-separated school  
15 spaces, like bathrooms and sports programs. This  
16 remains the strong majority position among Federal  
17 courts of appeals and Federal district courts fol-  
18 lowing *Bostock*.

19 (4) The intent of the initial title IX regulations  
20 with respect to sex-separated sports teams was to  
21 foster the equitable participation of women and girls  
22 in school sports where they have been systematically  
23 excluded and denied such opportunities, so that  
24 women and girls could be given the resources and  
25 opportunities to develop their athleticism, not to en-

1 force separation based on purportedly innate dif-  
2 ferences between men and women.

3 (5) Playing school sports improves students'  
4 academic performance, graduation rates, and attend-  
5 ance, develops social and leadership skills, and pro-  
6 vides students with a support network. These oppor-  
7 tunities and impacts are particularly important for  
8 children from marginalized groups like transgender  
9 children, who face disproportionate hostility and dis-  
10 crimination at school.

11 (6) Transgender youth who are supported, in-  
12 cluded, and protected from discrimination in school  
13 can thrive and learn just like their peers.  
14 Transgender youth who report being supported and  
15 protected from discrimination consistently have  
16 lower rates of negative health outcomes, including  
17 suicide attempts. Transgender youth who play school  
18 sports report higher grades and self-esteem, and  
19 lower rates of depression and anxiety.

20 (7) More than 11 percent of LGBTQ youth  
21 have reported being discouraged from playing sports  
22 due to their sexual orientation or gender identity,  
23 and 16 percent of LGBTQ+ students reported in  
24 2021 that their K–12 schools barred them from  
25 playing on the correct sports team.

1           (8) Since 2008, 17 States and the District of  
2 Columbia have passed laws affirmatively protecting  
3 transgender students' right to participate in inter-  
4 scholastic athletics. In those States, participation  
5 numbers for women and girls in athletics have re-  
6 mained steady or increased. As of 2021, in the  
7 States that have banned transgender student partici-  
8 pation, participation rates have dropped among all  
9 girls.

10           (9) There were fewer athletic participation op-  
11 portunities for high school girls in 2019 than existed  
12 for boys in 1972, when title IX was enacted.

13           (10) On the Division 1 level, colleges spend \$2  
14 on mens sports for every \$1 spent on womens  
15 sports. In all collegiate athletics, there are 60,000  
16 more athletic opportunities for men than for women.

17           (11) Girls and women's high school sports  
18 teams are consistently given less support and over-  
19 sight, leading to them receiving fewer resources and  
20 funding than boys' and men's teams, including  
21 1,300,000 more high school sports spots for boys  
22 compared to girls, and allowing a pervasive culture  
23 of abuse targeting young women to fester.

24           (12) Attacks on transgender children in sports  
25 also negatively impact cisgender girls who do not

1 conform to traditional gender stereotypes, particu-  
2 larly Black and Brown girls, through arbitrary ques-  
3 tioning of the girlhood of children and invasive and  
4 dangerous sex verification practices. This includes  
5 forcing young students to submit documentation of  
6 their reproductive information or even submit to  
7 genital exams as a condition of playing.

8 (13) Over decades, a strong consensus has de-  
9 veloped among Federal courts that title IX has al-  
10 ways protected LGBTQI+ youth in school, including  
11 the right of transgender youth to participate in  
12 school sports. These decisions indicate that the jus-  
13 tifications advanced thus far by anti-trans legislators  
14 are unlikely to survive the heightened scrutiny re-  
15 quired by the Equal Protection Clause of the Four-  
16 teenth Amendment to the United States Constitu-  
17 tion.

18 **SEC. 2. GRANT PROGRAM TO PROMOTE YOUTH SPORTS**

19 **PROGRAMS.**

20 (a) IN GENERAL.—Not later than one year after the  
21 date of enactment of this Act, the Secretary of Education  
22 (hereinafter referred to as the “Secretary”) shall establish  
23 a program to award grants to eligible elementary schools  
24 and secondary schools (as such terms are defined in sec-  
25 tion 8101 of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 7801)) to promote youth sports  
2 programs.

3 (b) USE OF GRANT FUNDS.—

4 (1) IN GENERAL.—Grant funds awarded under  
5 this section shall be used by grantees to promote  
6 and increase access to youth sports by—

7 (A) expanding offerings of available ath-  
8 letic programs;

9 (B) providing direct financial support for  
10 facilities, equipment, uniforms, travel, and other  
11 athletic program expenses to reduce barriers  
12 that limit participation in existing athletic pro-  
13 grams; or

14 (C) carrying out the activities described in  
15 both subparagraphs (A) and (B).

16 (2) GRANT PERIOD.—Grant funds awarded  
17 under this section shall be available for one aca-  
18 demic year. Any unused funds that remain at the  
19 end of such academic year shall be returned to the  
20 Secretary to award additional grants under this sec-  
21 tion.

22 (c) ELIGIBILITY.—An elementary or secondary school  
23 shall be eligible for a grant under this section only if such  
24 school is in compliance with the requirements of title IX  
25 of the Education Amendments of 1972 (20 U.S.C. 1681

1 et seq.) and the regulations implementing such title under  
2 part 106 of title 34, Code of Federal Regulations, or any  
3 succeeding regulations.

4 (d) APPLICATION; PRIORITY.—

5 (1) APPLICATION.—An eligible elementary or  
6 secondary school desiring a grant under this section  
7 shall submit an application to the Secretary at such  
8 time, in such manner, and containing such informa-  
9 tion as the Secretary may require. Such application  
10 shall include—

11 (A) a description of the proposed pro-  
12 grams, activities, and direct financial support to  
13 be provided in whole or in part with grant  
14 funds under this section, and the amount of  
15 grant funds requested for such programs, ac-  
16 tivities, and support; and

17 (B) an assurance by the school that, with  
18 respect to the provision of any program, activ-  
19 ity, or financial support provided in whole or in  
20 part with grant funds under this section, the  
21 school will not discriminate on the basis of sex-  
22 ual orientation, gender identity, or sex charac-  
23 teristics (including intersex traits).

24 (2) PRIORITY.—In awarding grants under this  
25 section, the Secretary shall give priority to elemen-

1 tary and secondary schools that demonstrate that  
2 grant funds will be used to reduce barriers that limit  
3 participation of women and girls in youth sports,  
4 particularly sports in which women and girls have  
5 been historically underrepresented, by expanding of-  
6 ferings of available athletic programs for women or  
7 girls, or providing direct financial support for equip-  
8 ment, uniforms, travel, and other athletic program  
9 expenses related to participation of women and girls  
10 in existing athletic programs.

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