

119TH CONGRESS  
1ST SESSION

# H. R. 4363

To require elementary schools, secondary schools, and institutions of higher education to ensure biological fairness in women's sports as a condition of receiving Federal funds, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2025

Mr. BARR (for himself, Mrs. McCLAIN, Mr. GUTHRIE, Ms. TENNEY, Mrs. LUNA, Mr. NEHLS, Mrs. BICE, Mr. DONALDS, Ms. MACE, Mr. WEBER of Texas, Mr. ELLZEY, Mrs. HINSON, Mr. ZINKE, Mr. MOORE of North Carolina, Mr. NORMAN, Mr. BEAN of Florida, Mr. SHREVE, Mr. GILL of Texas, Mr. MOOLENAAR, Mr. WEBSTER of Florida, Mr. SMITH of New Jersey, Mr. BARRETT, Mr. HIGGINS of Louisiana, Mr. SESSIONS, Mr. COLLINS, Mrs. BIGGS of South Carolina, Mr. BIGGS of Arizona, Mr. LOUDERMILK, Mr. STAUBER, Mr. WILLIAMS of Texas, Mrs. HARSHBARGER, Mr. CARTER of Georgia, Mr. HUNT, Mr. YAKYM, Mr. McGUIRE, Mrs. HOUCHIN, Mr. BUCHANAN, Mr. STUTZMAN, Mr. CRENSHAW, Mr. MESSMER, Mr. LALOTA, Mr. MOORE of Alabama, Mr. HARIDOPOLOS, Mr. JAMES, Mr. CLYDE, Mr. ROSE, Mr. GUEST, Mr. FINSTAD, Mr. PATRONIS, Mr. JACKSON of Texas, and Mr. McDOWELL) introduced the following bill; which was referred to the Committee on Education and Workforce

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## A BILL

To require elementary schools, secondary schools, and institutions of higher education to ensure biological fairness in women's sports as a condition of receiving Federal funds, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Defend Girls Athletics  
3 Act”.

4 **SEC. 2. ELEMENTARY AND SECONDARY SCHOOLS.**

5 Title VIII of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7801 et seq.) is amended  
7 by inserting after section 8524 the following:

8 **“SEC. 8524A. REQUIREMENTS RELATING TO BIOLOGICAL**  
9 **FAIRNESS IN WOMEN’S SPORTS.**

10 “(a) IN GENERAL.—As a condition of receiving funds  
11 under this Act, a local educational agency shall ensure  
12 that each school under the jurisdiction of such agency  
13 complies with the requirements of Executive Order 14201  
14 (90 Fed. Reg 9279; relating to keeping men out of wom-  
15 en’s sports), as in effect on the date of enactment of this  
16 section.

17 “(b) CERTIFICATION.—On an annual basis not later  
18 than August 15 of each year, each local educational agen-  
19 cy subject to the requirements of this section shall certify  
20 in writing to the relevant State educational agency that  
21 the local educational agency is in compliance with such  
22 requirements and will remain in compliance with such re-  
23 quirements until August 15 of the following year. The  
24 State educational agency shall report to the Secretary by  
25 September 15 of each year a list of those local educational  
26 agencies that have not filed the certification or against

1 which complaints have been made to the State educational  
 2 agency that the local educational agencies are not in com-  
 3 pliance with this section.

4 “(c) ENFORCEMENT.—If the Secretary determines  
 5 that a local educational agency has violated the require-  
 6 ments of this section or if a State educational agency does  
 7 not submit the report required under subsection (b) by  
 8 the deadline indicated in such subsection—

9 “(1) the Secretary shall direct the State or local  
 10 educational agency (as the case may be) to return to  
 11 the Secretary any funds received under this Act  
 12 (whether directly or through a subgrant from an-  
 13 other entity) that are unobligated as of the date of  
 14 such determination; and

15 “(2) such agency shall be ineligible to receive  
 16 funds under this Act until the agency complies with  
 17 such requirements or submits such report, as deter-  
 18 mined by the Secretary.”.

19 **SEC. 3. INSTITUTIONS OF HIGHER EDUCATION.**

20 (a) IN GENERAL.—Part B of title I of the Higher  
 21 Education Act of 1965 (20 U.S.C. 1011 et seq.) is amend-  
 22 ed by adding at the end the following:

1 **“SEC. 124. REQUIREMENTS RELATING TO BIOLOGICAL**  
2 **FAIRNESS IN WOMEN’S SPORTS.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of law, no institution of higher education shall be  
5 eligible to receive funds or any other form of financial as-  
6 sistance under any Federal program, including participa-  
7 tion in any federally funded or guaranteed student loan  
8 program, unless the institution certifies to the Secretary,  
9 not later than July 1 of each year, that the institution  
10 is in compliance and will remain in compliance with the  
11 requirements of Executive Order 14201 (90 Fed. Reg  
12 9279; relating to keeping men out of women’s sports), as  
13 in effect on the date of enactment of this section.

14 “(b) ENFORCEMENT.—If the Secretary determines  
15 that an institution of higher education has violated the  
16 requirements of subsection (a)—

17 “(1) the Secretary shall direct the institution to  
18 return to the Secretary any funds received under  
19 this Act that are unobligated as of the date of such  
20 determination; and

21 “(2) such institution shall be ineligible to re-  
22 ceive funds or otherwise participate in programs  
23 under this Act until the institution complies with  
24 such requirements, as determined by the Sec-  
25 retary.”.

1       (b) PROGRAM PARTICIPATION AGREEMENTS.—Sec-  
2   tion 487(a) of the Higher Education Act of 1965 (20  
3   U.S.C. 1094(a)) is amended by adding at the end the fol-  
4   lowing:

5               “(30) The institution will comply with the re-  
6       quirements of section 124 relating to biological fair-  
7       ness in women’s sports.”.

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