

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 734) TO AMEND THE EDUCATION AMENDMENTS OF 1972 TO PROVIDE THAT FOR PURPOSES OF DETERMINING COMPLIANCE WITH TITLE IX OF SUCH ACT IN ATHLETICS, SEX SHALL BE RECOGNIZED BASED SOLELY ON A PERSON'S REPRODUCTIVE BIOLOGY AND GENETICS AT BIRTH, AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 42) DISAPPROVING THE ACTION OF THE DISTRICT OF COLUMBIA COUNCIL IN APPROVING THE COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT ACT OF 2022

APRIL 17, 2023.—Referred to the House Calendar and ordered to be printed

Mrs. HOUCHIN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 298]

The Committee on Rules, having had under consideration House Resolution 298, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 734, Protection of Women and Girls in Sports Act of 2023, under a structured rule. The resolution waives all points of order against consideration of H.R. 734. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce or their respective designees. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118-3 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute to H.R. 734 made in order as original text. The resolution further makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amend-

ments are waived. The resolution provides one motion to recommit. The resolution further provides for consideration of H.J. Res. 42, disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022, under a closed rule. The resolution waives all points of order against consideration of H.J. Res. 42. The resolution provides that H.J. Res. 42 shall be considered as read. The resolution waives all points of order against provisions in H.J. Res. 42. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Accountability or their respective designees. The resolution provides that pursuant to section 604(h) of the Home Rule Act, a motion to recommit is not in order to the joint resolution if under consideration while the act of the D.C. Council is within the congressional review period prescribed in section 602 of such Act.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 734, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 734, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.J. Res. 42, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.J. Res. 42, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 33

Motion by Ms. Scanlon to amend the rule to make in order and provide any necessary waivers for amendment #5 to H.R. 734, offered by Representative Omar, which would strike the text of the bill and add a section to ensure nothing in this Act shall be construed to permit or encourage a local educational agency or school to require any student to provide reproductive or sexual health information, including information regarding the student's menstrual cycle. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse
Mr. Massie	Nay	Ms. Leger Fernandez	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Norman	Nay		
Mr. Roy		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 34

Motion by Mrs. Houchin to report the rule. Adopted: 8-3

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Reschenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse
Mr. Massie	Yea	Ms. Leger Fernandez	Nay
Mr. Norman	Yea		
Mr. Roy		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		
Mr. Cole, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 734 MADE IN ORDER

1. Mace (SC): Requires the Comptroller General shall carry out a study to determine the meaning of the phrase ‘any other benefit’ as used in subsection (d)(3) by looking at the adverse psychological, developmental, participatory, and sociological results to girls of allowing males to compete, be members of a sports team, or participants in athletic programs, that are designed for girls, including hostile environment creation, sexual assault, and sexual harassment. (10 minutes)

2. Ogles (TN): Clarifies that the term “athletic programs and activities” includes any activities a recipient chooses to restrict only to members of a team. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 734 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MACE OF SOUTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 7, strike the close quotation marks.

Page 2, after line 7, insert the following:

“(e) The Comptroller General shall carry out a study to determine the meaning of the phrase ‘any other benefit’ as used in subsection (d)(3) by looking at benefits to women or girls of participating in single sex sports that would be lost by allowing males to participate. The study shall document the adverse psychological, developmental, participatory, and sociological results to girls of allowing males to compete, be members of a sports team, or participants in athletic programs, that are designed for girls, including displacement or discouragement from sports participation, deprivation of a roster spot on a team or sport, loss of the opportunity to participate in a practice or competition, loss of a scholarship or scholarship opportunities, loss or displacement of admission to an educational institution, deprivation of the benefit of an environment free of hostility based on sexual assault or harassment, or any other benefit that accompanies participating in the athletics program or activity. Further, the Comptroller General shall submit

to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of such study.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OGLES OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 17, strike “(3)” and insert “(4)”.

Page 1 after line 16, insert the following:

“(3) For the purposes of this subsection, the term ‘athletic programs and activities’ includes, but is not limited to, all programs or activities that are provided conditional upon participation with any athletic team.”.