

June 13, 2025

Submitted via www.regulations.gov under [DOE-HQ-2025-0016](#)

Chris Wright, Secretary
U.S. Department of Energy
c/o David Taggart
Office of the General Counsel
1000 Independence Avenue SW
Washington, DC 20585

**RE: Nondiscrimination on the Basis of Sex in Sports Programs Arising Out of Federal
Financial Assistance, Docket Number [DOE-HQ-2025-0016](#)**

To Whom It May Concern:

We are writing on behalf of the Women's Sports Foundation (WSF), which was founded in 1974 by Billie Jean King. We seek to strengthen and expand opportunities for all girls and women to participate in all sports at all levels through research, advocacy, community impact, and a wide variety of collaborative partnerships. WSF exists to ensure that all girls and women have equal access to opportunities that will help them reach their full potential, and we advocate for the protection and participation of all girls and women in sports.

This is a **significant adverse comment** opposing the direct final rule (DFR), "Nondiscrimination on the Basis of Sex in Sports Programs Arising Out of Federal Financial Assistance." This DFR would rescind critical parts of the Department of Energy (DOE)'s regulations implementing Title IX of the Education Amendments of 1972 (Title IX), namely 10 C.F.R. § 1042.450, that provide opportunities for all students—but especially girls and women—to play sports. This regulation requires schools to allow students who are members of the sex for which athletic opportunities have previously been limited (typically girls and women) to try out for a sex-separated sports team that is unavailable to them, excluding contact sports. This regulation is crucial to increase sports participation for all students, but especially girls and women who have historically been denied opportunities to play.

This DFR is also an unlawful and inappropriate use of DFRs. DFRs can be proposed only to make routine or "noncontroversial" changes to federal regulations to expedite the rulemaking process. However, DOE wrongly asserts that the changes in this DFR are "noncontroversial" because they would curtail substantive civil rights of girls and women to access equal athletic opportunities, which undermines the spirit and purpose of Title IX.

For these reasons, and as explained in more detail below, **we urge DOE to withdraw the DFR that would rescind Section 1042.450.**

Benefits of Sports

The most valuable, life-long benefits of sport participation should belong to everyone. Sports encourage children to prioritize health and wellness, teach them to build camaraderie and belonging, and help them learn discipline and leadership skills. WSF research shows that even if girls do not go on to play at the collegiate or elite level of sport, they learn invaluable leadership skills that they will take into the workforce and society, which will help bolster the economy. Nearly half of women credit the skills they acquired through sports for their leadership development and 67% of women believe they have carried

the skills and lessons they learned from sports into adulthood.¹ Access to sports empowers girls and women to thrive by living healthier, more enriched lives. Mental health disorders are 1.5 to 2.5 times lower for girls who play sports vs. those who have never played.²

Title IX Protections for Girls & Women

As the preeminent ally and advocate of girls and women in sport, WSF is concerned that if enacted, this DFR would result in girls and women having less access to sports opportunities. Currently, under this regulation if a school does not have a sports team for girls that it makes available to boys, the school is required to allow girls to try out for that sports team, unless it's a contact sport. Historically, there has been a lack of transparency at the K-12 level with regard to how many girls participate on boys' teams. However, we do know that during the 2023-2024 school year, 1,372 high school girls played baseball.³ Additionally, there has been an increase in the number of women playing baseball at the college level. **If the DFR goes into effect, schools could effectively ban girls from playing particular non-contact sports, like baseball, by offering a team for boys only with no corresponding girls' team.**

While Title IX has created an increase in opportunities for girls and women in sports, the gender gap persists. Girls currently have not surpassed the high school athletic opportunities that boys had pre-Title IX, with girls still missing out on 1.2 million opportunities compared to boys.⁴ Even as we celebrate 53 years of this landmark legislation, girls and women are still advocating for equal opportunities and treatment. As recently as 2023, high school girls and their families settled a lawsuit after being forced to sue their state department of education in order to ensure that Title IX was being properly enforced.⁵

For decades, federal civil rights regulations have increased opportunities for girls and women to play sports and receive benefits and treatment on par with boys and men. **This DFR does nothing to increase or uplift girls' and women's participation and instead weaponizes Title IX to cause harm and create barriers to access.**

In conclusion, the DOE's action to rescind this Title IX regulation will undermine the ability of girls and women to access equal athletic opportunities. We urge you to withdraw this unlawful DFR.

Sincerely,

Women's Sports Foundation

¹ Sharrow, E., Staurowsky, E., & Davis, B. (2024). Play to Lead: The Generational Impact of Sports on Women's Leadership. Women's Sports Foundation.

² Massey, W. V., Veliz, P. T., Zarrett, N., & Farello, A. (2024). Thriving through sport: The transformative impact on girls' mental health. Women's Sport Foundation

³ National Federation of State High School Associations. High School Athletics Participation Survey, 2023-24 School Year.

⁴ National Federation of State High School Associations. High School Athletics Participation Survey, 2023-24 School Year.

⁵ Hawaii Settles Sex Discrimination Case With High School Female Athletes, <https://www.nytimes.com/2023/10/27/us/hawaii-title-ix-settlement.html>