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**THE PROMOTION AND ADVANCEMENT OF WOMEN
IN SPORTS**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

FEBRUARY 1, 2006

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ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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CONTENTS

	Page
Hearing held on February 1, 2006	1
Statement of Senator Dorgan	36
Statement of Senator Lautenberg	3
Statement of Senator Smith	2
Statement of Senator Snowe	4
Statement of Senator Stevens	1

WITNESSES

de Varona, Donna, U.S. Olympian and President, Women's Sports Founda- tion	12
Prepared statement	15
Dawes, Dominique, U.S. Olympian and President, Women's Sports Founda- tion	19
Prepared statement	21
Erickson, Tara, Head Women's Soccer Coach, University of Oregon	41
Prepared statement	43
Finch, Jennie, U.S. Olympian/Professional Softball Player	25
Prepared statement	26
Grant, Dr. Christine, Associate Professor, University of Iowa, Department of Health and Sport Studies	49
Prepared statement	51
Mund, Lynette, Teacher/Head Girls Basketball Coach, West Fargo High School	38
Prepared statement	40
Richardson, Dorothy "Dot" G., M.D., U.S. Olympian and Vice Chair, Presi- dent's Council on Physical Fitness and Sports	6
Prepared statement	8
Reddick, Catherine "Cat," U.S. Olympian	28
Sweet, Judith M., Senior Vice President, Championships and Education Serv- ices, National Collegiate Athletic Association	44
Prepared statement	46

APPENDIX

Cantwell, Hon. Maria, U.S. Senator from Washington, prepared statement	57
Inouye, Hon. Daniel K., U.S. Senator from Hawaii, prepared statement	57

THE PROMOTION AND ADVANCEMENT OF WOMEN IN SPORTS

WEDNESDAY, FEBRUARY 1, 2006

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m. in room SH-216, Hart Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

The CHAIRMAN. I'm delighted to see so many of you here, and I know many of you have traveled a long distance to get here, so we thank you for coming today. I especially want to welcome back my great friend Donna de Varona. Takes you back a lot of years, doesn't it, Donna—

Ms. DE VARONA. It does.

The CHAIRMAN.—to the days that—

Ms. DE VARONA. I don't want to say how many.

The CHAIRMAN. We were working on the Olympic Sports Act, and Donna was the assistant to the former chair, Chairman Warren Magnuson, at that time.

Ms. DE VARONA. Right.

The CHAIRMAN. And you've served in many leadership and advisory roles, including our membership in President Ford's Commission on Olympic Sports. Donna has to be blamed for my involvement in this, because she just kept after me to keep working on it.

But we want to continue to hold these hearings to make sure that we focus on the need to promote and advance the participation of women in sports, and we want to assure that Americans have a chance to understand the historic strides that have been made and the challenges that still face female athletes in athletic programs not only in schools and universities, but in professional sports.

This is the 20th Annual National Girls and Women in Sports Day. We come together to recognize the achievement of women in sports, the positive influences of sports participation on our American women, and the continuing struggle for equality and opportunity for women in sports.

It has been my privilege and honor to be able to work with all of you, to really believe in equality in sports. As I've told many people many times, as a father of three daughters, I remember so well

the day when I was a coach of a little league. Donna knows this story. My girls practiced with the young boys in getting ready for the team activities. But, when it came time to pick the team, I had to tell my girls that they couldn't play. And one of my daughters said, "Sue them, Daddy."

[Laughter.]

The CHAIRMAN. And I said, "Look, I don't have time to be a little-league coach and to file lawsuits and to earn enough money to feed all you guys, so that'll have to wait." But when we got here, I was pleased to join Birch Bayh, who I consider to be as much involved as I've been over the years. And since that time, we've had great accomplishment by our female athletes in the United States, great strides in athletics, including Sarah Korad, the first female winter athlete to ever qualify for two sports in the same Olympic Games, including biathlon and cross-country skiing.

So, we have a lot of interest in what you do, and I do commend the Administration's support of physical-fitness programs to address the growing obesity rate and the sedentary lifestyle of men and women in this country. But I am also concerned, however, about the future of Title IX. And I hope that you will keep active to make certain people understand what would happen if we would reverse the decades of progress that have been made since Title IX's inception in 1972. Women's participation in athletics has increased 400 percent in the college level, and 800 percent in high schools. Many of you here are pioneers of this effort, and I'm glad to have an opportunity to have you come back together and meet with us.

I see Billie Jean's arrived now. She was one of the original ones.

[Applause.]

The CHAIRMAN. Benita Fitzgerald Mosley is somewhere here. There you are. Thank you.

[Applause.]

The CHAIRMAN. I will quit reminiscing and yield to you, my friend.

**STATEMENT OF HON. GORDON H. SMITH,
U.S. SENATOR FROM OREGON**

Senator SMITH. Thank you, Coach Stevens.

[Laughter.]

Senator SMITH. I've always called him "Chairman," but now it's "Coach," too. So, it's good of you, sir, to hold this hearing, particularly on the 20th anniversary of the National Girls and Women in Sports Day, something we can all celebrate.

I want to especially welcome Coach Tara Erickson, who has made the trip from my home State of Oregon to testify today. She served as the head coach of women's soccer teams at two of Oregon's great universities, Portland State and currently the University of Oregon. I'm proud of her example and the good that she does for the young women of my State and for these universities. In fact, the University of Portland, unrelated to those two schools, is currently the national champion in the Nation, and we are very proud of them, also proud of Nike, who has helped to sponsor many of today's activities. They are located in Oregon, and they have

done a great deal to advance sports, at all levels, for girls and women.

There's no question that sports do tremendous things for young people. The social benefits and the psychological impacts they have on building self esteem and helping young people to learn self-discipline, time management, goal-setting, decisionmaking, problem-solving, team-building, and even being exposed to great mentors and positive role models, the list goes on and on, and the skills that young women, in particular, can learn in playing and competing in athletics are clearly transferrable to real-world successes. Approximately 80 percent of women considered as key leaders in Fortune 500 companies participated actively in childhood sports.

So, we are focusing today on one, a key ingredient to helping women to find their full equal place in our society. And I want to express my own pride in my daughter, Brittany, who recently finished her reign as the queen of the Pendleton Round-up. She's a superb equestrian and very gifted athletically in making horses do what I never knew they could do and respond to her athleticism.

For all these reasons, Mr. Chairman, thank you for scheduling this hearing so we can highlight this very important aspect of the life of girls, young women, and women in the United States.

The CHAIRMAN. Thank you.

Senator Lautenberg, do you have an opening statement?

Senator LAUTENBERG. I do.

**STATEMENT OF HON. FRANK R. LAUTENBERG,
U.S. SENATOR FROM NEW JERSEY**

Senator LAUTENBERG. I'm not—you're not the only one with three daughters. I have three daughters, also.

The CHAIRMAN. You have three now.

Senator LAUTENBERG. I have three.

The CHAIRMAN. OK.

Senator LAUTENBERG. Yes. And then, finally, a little boy came along, and when he saw how athletic his sisters were, that induced him to pep up, shape up, and get up there and out there. He's still a competitive skier, my son, and does it across the world. But now he's got a couple of grandchildren, and I'd like him to stop that silly stuff.

But my three daughters are all active in sports, and I've got six granddaughters. They're all little kids. The oldest is 11. And they're into all kinds of sports activities. It's very healthy for the family, I think, as something that brings them all together and induces a good lifestyle. My oldest daughter, Ellen, is a black belt in karate. My second daughter, Nan, was a competitive skier and ranked in New England tennis. My third daughter, who's the smallest of the three girls, was captain of the women's ski team at Colgate and took them to a national championship. She's also run the marathon, and has two girls. And all three are excellent skiers. That was a passion of mine. And people look at me, and they say, "Do you still ski?" "Yes, I still ski. Why? Is there something that I shouldn't be doing?" I do it, and I enjoy it. And my kids' participation in sports has increased their physical strength, their stamina, sharpened, I think, their mental focus, improved their self-confidence. And have—we share some very good times in the outdoors

and doing things and going places to do those. So—it's hard to get to ski together anymore, because I'm here and they're in different parts of the country.

More than 30 years ago, Congress recognized that women benefit from sports just as much as men do. Title IX became the law of the land, opening the door of opportunity for women who want to participate in sports. And since then we've learned even more about the positive benefits that are derived from sports.

Women who participate in sports are at less risk for diseases and health problems that disproportionately affect women, like osteoporosis or even breast cancer. In addition, sports provide a safe and healthy alternative to drugs, to alcohol, tobacco, and often antisocial behavior. And today, as we mark the 20th anniversary of National Girls and Women in Sports Day, I believe that we've got to look for other opportunities to encourage female participation in sports.

And I'll close by saying that a young woman from New Jersey—now, our highest mountain in New Jersey, it's—you don't need climbers and you don't need oxygen to get up the 800 feet of our highest mountain—but was an Olympic gold medal winner in freestyle skiing. So, we like sports. We like the people who participate in sports. And Donna de Varona, who I know well, and we've skied together, and I'm pleased to welcome all of you and—march on. We need you.

Thank you.

The CHAIRMAN. Thank you very much.

And I congratulate you all on that ad in *Roll Call* this morning. Mia Hamm. Great ad. More people should learn. Attractive women and few words makes a good ad.

[Laughter.]

The CHAIRMAN. Our first panel is—

Senator SNOWE. Mr. Chairman?

The CHAIRMAN.—Dr. Dorothy—

Oh, pardon me. I did not see you. I apologize.

Senator SNOWE. I just arrived, Mr. Chairman.

The CHAIRMAN. Do you have a statement, Senator?

Senator SNOWE. Yes, I do, just very briefly. I don't want to hold you up.

**STATEMENT OF HON. OLYMPIA J. SNOWE,
U.S. SENATOR FROM MAINE**

Senator SNOWE. I just want to take this opportunity, as well, to thank you, Mr. Chairman, on behalf of millions of girls and women across this country who have participated in organized athletic competitions because of your leadership and being the father of Title IX with the original enactment of that legislation back in 1972. I've been a long-time supporter and stalwart of Title IX. In fact, I introduced the first resolution in the House of Representatives for National Women and Girls Sports Day. In fact, I have a pen hanging on the wall that was used by President Reagan to sign that first measure honoring women and girls in sports. And I worked with Donna de Varona, when she was chair of the Women's Sports Foundation, who's provided exceptional leadership on behalf of women and girls all across this country. And I thank the Wom-

en's Sports Foundation for doing so much for the leadership and the guidance and the commitment to ensuring that we provide the equal opportunities for athletics, organized sports, in our educational systems across this country.

There's no question about the value of this 34-year-old landmark civil-rights legislation. It is so critical in achieving equal opportunities for girls in our school systems, at all levels, and it's absolutely vital that we continue to uphold the value and the commitment to this law.

When you think about the endless benefits that it has ultimately provided girls and women—for example, 80 percent of business women in this country today participated in sports, growing up—we know what it can do to impact the economic, as well as the well-being of young women all across this country. And what we need to do here, in the Senate, in the Congress, overall, is to make sure that we reject any proposal that unravels or slows or reverses or undermines the objectives of Title IX and the educational opportunities and all of the benefits that, ultimately, it provides for girls and women across this country.

For example, when you think about the fact that it was one in 27 girls in high school that were participating in sports before Title IX, now it's one in three, which is an 800 percent increase, there can't be any question about what it ultimately can do to contribute to the value and the benefit of the possibilities and opportunities that it provides young women throughout their lives. And personified by the Olympics and what you have all accomplished, achieving the pinnacle of success, I think, exemplifies the importance and the significance of Title IX, what it's done.

So, we have to make sure, I think, in the final analysis, that we strengthen, actually, the enforcement of Title IX. Frankly, I'm concerned about the idea of allowing e-mail surveys as a way to ensure, you know, the sufficiency of compliance. It does not. I think we understand that. And I think we have to express that forcefully. And I want to thank the leadership of Senator Smith and Chairman Stevens in that regard. And I think we have to continue to do all that we can not to roll back the successes, but also understanding that we have to do more.

And I want to thank each and every one of you for being the role models and the inspiration that is worth its weight in gold to girls and women across this country. So, thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. I would be remiss if I didn't mention Carol White, who worked for me for years with this program and retired prematurely because of medical problems. She's doing very well, has her own horse farm and a daughter who's very much of an equestrian. And so, we've missed her, her leadership.

Our first witness is Dr. Dorothy "Dot" Richardson, president of the Council—President's Council on Physical Fitness, and currently medical director at the National Training Center in Claremont, Florida, and two-time Olympic gold medalist.

We're glad to have you with us. We'll listen to you first.

STATEMENT OF DOROTHY "DOT" G. RICHARDSON, M.D., U.S. OLYMPIAN AND VICE CHAIR, PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Dr. RICHARDSON. Thank you for having me. And good morning, Senators—also, staff and guests. Thank you for holding this very important hearing.

My name is Dr. Dot Richardson. I am the NCAA Player of the Decade for the 1980s, four-time world champion, five-time Pan American, and two-time Olympic gold medalist in the sport of softball, fast-pitch softball. I'm also an orthopedic surgeon and I am Vice Chair of the President's Council on Physical Fitness and Sports. I'm here to testify about the importance of promoting and advancing opportunities for women in physical activity and sports.

I bring you a warm greeting from Secretary Leavitt, of the U.S. Department of Health and Human Services.

As you know, the President's Council on Physical Fitness and Sports is an advisory committee with HHS. We are celebrating its 50th-year anniversary this year. So, that's some exciting news there.

But I feel very blessed to be an American, and I feel fortunate to serve on the Council under the fittest President in our Nation's history. President and Mrs. Bush are excellent role models in health and fitness for all Americans. President Bush says that better health is an individual responsibility and an important national goal.

So, to fulfill this "HealthierUS" initiative, there have been four important standards set that can change our lives. They are to be more physically active, for boys and girls, men and women, to eat a nutritious diet, to do preventive screening, and to avoid risky behavior.

But I'm here to share a story also, that, when I was a little girl, I knew that God had given me a gift. And the gift was in athletics. I knew it was a gift, because I loved it so much. I mean, running, jumping, playing catch, shooting hoops, I just loved it. And I felt so alive doing it. But when I grew up, in the 1960s, it wasn't the thing for little girls to be athletic. In fact, there were a lot of negative things being said, and it was made perfectly clear that girls were not supposed to be athletic, because girls were not allowed to play organized sports, as you had mentioned earlier.

But I would go to bed at night, and I would ask God, "Why did you give me this talent if I can't use it?" And I learned, very young, as a little girl, that the most frustrating thing in life is to have been given a talent and not have the opportunity to express it. And this, why? Because I was born a girl.

You know, it's one thing to say, "You can't throw very well," or, "You can't run fast," or, "You can't pitch," or whatever. I can work on that. But to say, "You can't play sports because you're a girl"—that was hard to deal with.

And then one day I'm pitching to my brother before a little-league baseball game, and this coach comes running over to me and says, "Wow, you've got a great arm. How would you like to play on my little-league baseball team?" "Yes. My prayers are going to be answered." But, in the same breath, he said, "Well, we'll have to cut your hair short, and we're going to give you a

boy's name. We're going to call you 'Bob.'" In order for me to play a sport I loved, I would have had to disguise myself as a boy.

That very day, I walked over to a bigger field, playing baseball catch. That was all I knew. And another coach comes running out and asked if I had ever played softball. And, of course, I hadn't. But, after a few ground balls, I was asked to play on this women's fast-pitch softball team. I became the youngest girl ever to play women's major ball. I think about those women back then that were playing this sport when the rest of the world said, "You're not supposed to be good," that "girls are not supposed to be athletic, and, oh my gosh, definitely you can't be better than a boy." What a message.

Well, for me, I continued to believe in the dream. And when you look at the 1996 Olympics, when we were there in the gold medal game, winning the gold medal, there was one thing that I remember more than anything. After we had captured the gold medal, I see my nephew and niece running down to the railing and reaching over to try and reach into the field to share in that moment. It was an athletic moment. It didn't matter what gender. There, a boy and a girl, standing side by side, living in that moment. And everyone said the 1996 Olympics represented the results of Title IX, but I want to believe that at the 1996 Olympics, with the success of the women teams, to me, the world fell in love with recognizing the talents of athletics, and appreciating it, no matter what gender.

That little girl, my niece, got a full scholarship and just graduated from law school with her MBA and her JD.

Do sports affect lives? They do. I believe this so much that even this year I founded and developed, and we're launching, a new pro tour, pro fast-pitch extreme, in the sport of fast-pitch softball. The goal is to bring amateurs and professionals together to meet and compete. This, I believe, is what a professional level should do, and that women need more professional levels that succeed. But to impact young girls—boys have it easy. In sports, they have it easy. They're strongly supported, and they can turn on TV and they can see their superstars in any sport they want. But girls don't have that luxury. Yet. And that's one goal I want to be able to achieve, to give back, to let all young girls know they can believe in their dreams and the gifts they have in athletics are meant to be shared. And we can make a difference doing that.

You know, after the 1996 Olympics, I received letters from my friends who quit athletics in high school. They quit because of the stereotypes and the negative things that were said. And they had trouble getting dates. Well, after the 1996 Olympics, I got letters from all of them, and they said, "I was good, wasn't I? Why did I listen to the negative things that everyone was saying? Why didn't I follow my heart?"

I mean, let us not forget the differences that we all have, and embrace that. And if the love is in sport and physical activity, let's seize the moment and support it, because it makes a difference in the life of a girl, just as it does in a boy.

Well, the involvement of girls in sports, I believe, largely is influenced by our attitudes and our behaviors and by receiving support. Girls need to have more opportunities to participate. It changes their lives, not only just physically, as we talked about, but men-

tally. You saw the ad that you pointed out—confidence, self esteem, setting goals, reaching hard to achieve those goals, not being afraid to work hard to live your dream. All of this comes, I believe, through physical activity in sport.

There are numerous initiatives and programs that are out there, and I just want to recognize some from the Department of Health and Human Services that address women's health issues, particularly with members of the Women's Health Coordinating Committee. For example, the results of the Health and Growth Study that was funded by the National Heart, Lung, and Blood Institute of the National Institutes of Health showed that a decline in physical activity does play a role in weight gain in young girls. In girls that don't participate in sport, when they get into their teens, forget it—I mean, from physical activity and mental concerns. But, also, there's a program, We Can!—Ways to Enhance Children's Activity and Nutrition. And the Center for Disease Prevention and Control is partnering with HHS Office of Women's Health and the National Osteoporosis Foundation and the National Bone Health Campaign. This program uses a social marketing approach to promote optimal bone health among girls 9 through 12 years of age in an effort to reduce their risk of osteoporosis. Also, the HHS Office on Women's Health has also developed *GirlsHealth.gov* website.

And, finally, I just want to mention the President's challenge. If you all could go to www.PresidentsChallenge.org, its initiatives by the President's Council on Physical Fitness and Sports offer a tool to all Americans, including women and girls, to start moving, today and now.

So, Senators, we challenge you and your colleagues, staff, friends, and families to participate in the President's challenge and get involved with the Presidential Active Lifestyle Award, which is an activity that, on 5 or more days a week for just 6 weeks, with 30 minutes of activity, you can achieve this award. For those that are more champions, there's a President's Champions Award with a gold, silver, and bronze medal.

So, I hope, today, that you take the challenge for your support for women and girls, but also for all of us to be more physically active and tell—talk about it in your speeches and press conferences. This is the 50th year for the President's Council on Physical Fitness and Sports. And I believe that, together, step by step and day by day, we can build a healthier U.S. for Americans of all ages, backgrounds, and abilities, men, women, and boys and girls, alike.

Thank you very much for this opportunity and for your support of girls and women in sports. Thank you.

[The prepared statement of Dr. Richardson follows:]

PREPARED STATEMENT OF DOROTHY "DOT" G. RICHARDSON, M.D., VICE CHAIR,
PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Good morning Senator Stevens, Senator Inouye, Committee Members, staff and guests. Thank you for holding this very important hearing.

My name is Dot Richardson, and I'm here today as Vice Chair of the President's Council on Physical Fitness and Sports to testify about the importance of promoting and advancing opportunities for women in physical activity and sports. I bring you warm greetings from Secretary Michael O. Leavitt of the U.S. Department of Health and Human Services (HHS). The President's Council on Physical Fitness and

Sports, an advisory committee within HHS, is celebrating its 50th anniversary in 2006. The observance of the Council's first fifty years (1956–2006) coincides with the tenth anniversary of the Surgeon General's landmark report on physical activity (1996), *Physical Activity and Health*. Given the rates of overweight and obesity that continue to plague the Nation, 2006 presents an opportune time to bring more visibility to the importance of physical activity, fitness and sports for improving and maintaining health.

I feel fortunate to be serving on the Council under the fittest president in our Nation's history. President and Mrs. Bush are excellent role models in health and fitness for all Americans. Despite their busy schedules, they make physical activity a regular part of their daily lives. President Bush says, "Better health is an individual responsibility and an important national goal."

To fulfill the vision of a "HealthierUS," the President, the Secretary and the members of the President's Council on Physical Fitness and Sports are asking each American to adopt four simple behaviors that can change your life: be physically active every day; eat a nutritious diet; get preventive screenings; and make healthy choices.

Our Nation's poor eating habits and sedentary lifestyles are killing thousands of Americans every day. The cost of obesity and Type 2 diabetes combined is up to \$250 billion a year. If there were a medication on the market that conveyed all of the health benefits of active living, everyone would take it. To all Americans of all ages and abilities, men and women, boys and girls alike, we say, "Daily physical activity is a magic pill."

I'm here today to tell you the story of a young girl in the late 1960s and early 1970s. She played outdoors with her brothers; she loved to run after rabbits and race trucks, to climb trees, to catch a ball. She shared a frustration with many girls her age: she loved sports but couldn't find a girls' team anywhere. For a young girl at that time, the only way you could play is if a boys' team let you.

One day, that young girl was playing catch with her brother—helping him warm up before he went to play a Little League baseball game. Her brother's coach saw her playing and asked if she wanted to play on the team. But if she did, he said, she'd have to cut her hair short, and he'd call her "Bob."

I was that little girl, Senators. But I wasn't brought up to be a covert operative. So, well-brought up young lady that I was, I smiled and politely declined, then walked over to a nearby field, where there was a team of women practicing softball. The coach noticed me and let me take a few ground balls. I'd never heard of women's fast-pitch softball, but at the age of ten, I became the youngest member of that team.

I was one of the lucky girls back then, able to live my sports dream during my growing-up years. Today, an American girl doesn't have to search as long and hard as I did to belong to a team. There are many chances for girls to play on an organized girls' softball team, from church leagues to recreational leagues. During all my years playing women's softball, I never dreamed I'd experience Olympic glory. But in the summer of 1996, I had the privilege of playing on the team that won a gold medal in women's softball.

That same year, 1996, the Surgeon General published the landmark report *Physical Activity and Health*. That report clearly documented that regular, preferably daily, routine of at least 30 to 60 minutes of brisk walking, bicycling, or even dancing will reduce the risks of developing or dying from cardiovascular disease, breast and colon cancer, and Type 2 diabetes and will reduce symptoms of anxiety and depression; help control weight; and help build and maintain healthy bones, muscles and joints. The 30 to 60 minutes doesn't have to be done at one time—it can be broken up into smaller increments.

On the heels of the Surgeon General's report on physical activity and health, the President's Council on Physical Fitness and Sports published its own report, "Physical Activity and Sport in the Lives of Girls: Physical and Mental Health Dimensions from an Interdisciplinary Approach." Today I want to paraphrase some of the highlights of that landmark report and update you on the current work of the U.S. Department of Health and Human Services in addressing physical activity for women and girls in America. Physical activity and sports involvement are important developmental opportunities for both boys and girls. Contributions include increased strength and power, better cardiovascular functioning, enhanced immune system responses, opportunities to develop moral reasoning, positive self-concepts and social interaction skills. There are however unique dimensions of the sport experience for girls in terms of physiological and psychological/emotional development and the challenges, which sometimes exist between socially, influenced expectations.

All children should participate in regular physical activity and sport experiences, especially in quality, adult supervised activities at home, at school and in after-

school programs. A wide range of activities should be available, including both individual and group experiences and cooperative vs. competitive ones. Moderate and regular physical activity can promote psychological and emotional well being, including reduced depression. Equal and safe opportunities and environments should be provided for both boys and girls to participate in a full range of physical fitness and sport activities.

Maintaining physical fitness and developing good fundamental movement skills by actively participating in daily activity contributes to happier and healthier lives by facilitating both physical and emotional health.

Involvement in sport and physical activity contributes to the physical movement capacities of girls, the health status of their bodies, the values and ethical behaviors they develop and their personal development of a unique identity. Childhood activities related to sport and physical activity should include opportunities for girls to develop fundamental fitness, and to acquire the motor skills necessary for life long learning and leisure time activities and to facilitate good immune system functioning, build physical fitness, and maintain appropriate body weight.

One of the most basic benefits of physical activity is the development of motor skills. Providing these opportunities to learn these skills is important for all people, including all girls and women.

All areas of fitness are affected by regular physical activity but three that seem to be especially impacted by regular physical activity are muscular fitness, cardiovascular fitness (aerobic fitness) and anaerobic power. For most girls, muscular fitness increases until about age 14, but for sedentary girls it may slow more rapidly or even decrease (Blimkie, 1989). However, systematic physical activity including both short term training programs (Sale, 1989) and regular physical activity programs can produce marked improvement in strength for girls.

One of the primary advantages of active physical participation for children seems to be directly linked to lower body fat and a better ratio of lean to fat mass. Children with above average levels of body fat generally have higher total cholesterol, and LDL cholesterol and often-associated elevated blood pressure (Williams, et al., 1992). Elevated levels of cholesterol in children are very important because children who have higher levels of cholesterol are almost three times more likely than older children to have high cholesterol levels as adults (National Cholesterol Education Program, 1991). The best strategy for lowering cholesterol in children is a combination of physical activity and diet which may also lead to lowered blood pressure, and other benefits thought to be brought about because of decreased cardiac output, decreased peripheral resistance, and reduced risk of blood clotting (Blair, et al., 1996).

Physical activity and sport experiences can also be beneficial in maintaining appropriate body weight, or the balance between energy expenditure and caloric intake (especially the relative proportion of fat intake in terms of the percent of total calories). The problem of juvenile obesity is twice as great today as it was in the 1960s (Blair et al., 1996), and a particular problem for juvenile girls. For most young girls, normal daily activity provides an adequate balance of intake and expenditures, but for females with weight problems, maintaining regular physical activity levels is an important adjunct in weight control because of its role in facilitating fat-free mass and promoting the loss of fat (Wells, 1991). It is also thought to be important in reducing the risk of non-insulin dependent diabetes, which is one of the ten most prevalent causes of death in the United States (Blair, et al., 1996).

One major advantage of physical activity for girls is that it increases "peak bone mass." Peak bone mass is the level of bone mass at its highest point—usually occurring in the teens or early 20s. High peak bone mass can be viewed much as a bank savings account where withdrawals can be made later in life when needed. The higher the peak mass, the less likely that losses later in life will result in low bone mass or osteoporosis.

Extensive research has emerged to support the contention that regular physical activity (at a moderate level) facilitates the body's ability to fight infection (e.g., upper respiratory infection (Nieman, 1994)) and disease through increased immune system function (Freedson & Bunker, 1997).

The involvement of girls in sport is largely impacted by the attitudes of parents and other role models (teachers, family). If parents support their involvement and encourage it, girls can benefit in many positive ways from sport and physical activity. There appears to be a strong interaction between how girls perceive their success in sport, and how others influence that perception. During early years, both boys and girls are about equal in terms of physical skills and rely on adult comments (especially parents) to help them judge their competency until about age 10 (Weiss & Ebbeck, 1996). Most girls participate in sport to have fun, improve skills, be with friends and become physically fit while enjoying the challenges and being successful (Weiss & Petlichkoff, 1989). In particular, when motivation to participate

in sport was examined, Gill (1992) found three different reasons: competitiveness, win orientation and goal orientation. Girls seem to be higher in goal orientation or the desire to achieve personal goals while boys seem to be more motivated by winning. Many girls prefer activities that allow them to work together to improve, or to function cooperatively to accomplish goals (Jaffee & Manzer, 1992), rather than competitive activities such as physical fitness testing (Wiese-Bjornstal, 1997). It is therefore important to structure daily physical activity experiences to provide motivation for children who have both goal and win orientations.

During adolescence there appears to emerge a gender difference such that girls rely on adults and their own self-comparisons, while boys seem to rely more on competitive outcomes, their ability to learn new skills and their own egocentric judgments of physical competence (Weiss & Ebbeck, 1996). These differences suggest the important role of parents, teachers and coaches in influencing girls attitudes toward participation.

Participation in sport and physical activity has a positive effect on emotional well-being. Children who are depressed or having emotional problems benefit from increased levels of physical activity (Biddle, 1995), with benefits reported to lower levels of depression (Morgan, 1994) and general anxiety (Landers & Petruzzello, 1994). The effects of participation in an active life style may have both a beneficial treatment effect, and also a palliative or buffering effect prior to any onset of emotional problems (Wiese-Bjornstal, examining the research literature regarding the influence of physical activity on depression and anxiety (Singer, 1992). Physical activity can help reduce anxiety, help decrease mild to moderate depression, help reduce anxiety, reduce various types of stress, and have beneficial emotional effects. In addition, regular physical activity and its body composition benefits may also result in increased energy and improved sleep patterns (Martinsen & Stephens, 1994) and a general feeling of self-accomplishment for sticking to goals and developing new skills (Koniak-Griffin). Sport and physical activity can provide a great venue for exploring strategies to resolve conflicts, act fairly, plan proactively, and to generally develop a moral code of behavior. Opportunities exist for children to experience their own decision-making and to observe other role models such as parents, coaches and other athletes and to get feedback about their own ethical behaviors (Martens, 1993). There are many opportunities for good moral development through sport and physical activity, especially when these opportunities are provided under adult guidance and structured to support positive growth and avoid the potential negative impact of anti-social behaviors (cheating, aggression and intimidation) that accompany some inappropriately competitive activities (Gibbons, Ebbeck & Weiss, 1995). Sport can be a great avenue for developing more mature moral reasoning skills that are characterized by more assertion and less aggression, and more compliance with rules and fair play (Stephens & Bredemeier, 1996). Some children love low levels of competition while others are psychologically ready for higher levels of competition when they want to compare their skills with others and when they can understand the competitive process (Passer, 1988).

The U.S. Department of Health and Human Services has several ongoing initiatives and programs to address women's health issues throughout its agencies, including the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the Office of Women's Health (OWH) within the Office of the Assistant Secretary for Health. These agencies participate in the Women's Health Coordinating Committee as do the women's health components of many other HHS agencies. I want to share with you today a few notable HHS initiatives that concern physical activity and health for women and girls.

The results of the Health and Growth Study, funded by the National Heart, Lung, and Blood Institute of the NIH, showed that a decline in physical activity plays key role in weight gain among adolescent girls. Girls who were inactive during adolescence gained an average of 10 to 15 pounds more than active girls, according to results of the 10-year observational study of obesity. Total calorie intake increased only slightly and was not associated with the weight gains. These results show that a previously reported steep decline in physical activity among adolescent girls is directly associated with increased fatness and an increase of body mass index (BMI), a measure of body weight adjusted for height. The NHLBI has launched "We Can!—Ways to Enhance Children's Activity and Nutrition"—a childhood obesity prevention program designed to encourage parents and children to adopt healthy eating habits, increase physical activity, and reduce leisure "screen time". More than 35 communities across the country are integrating "We Can!" lessons into health programming for parents and kids.

The CDC, the HHS Office Women's Health, and the National Osteoporosis Foundation (NOF) have partnered on an initiative, the National Bone Health Campaign ("Powerful Bones. Powerful Girls"™). This program uses a social marketing ap-

proach to promote optimal bone health among girls 9–12 years of age in an effort to reduce their risk of osteoporosis later in life. The campaign’s purpose is to encourage girls to establish lifelong healthy habits, focusing on increased calcium consumption and weight-bearing physical activity to build and maintain strong bones. Parents and other adults close to girls play an important role by encouraging girls to take action. Resources for this campaign include a website for girls, and print materials, radio and print advertisements for girls and parents.

The HHS Office on Women’s Health has also developed the *GirlsHealth.gov* website, which promotes healthy, positive behaviors in girls between the ages of 10 and 16. The site gives girls reliable, useful information on the health issues they will face as they become young women, including physical activity and sports. The site offers tips on handling relationships with family and friends, at school and at home. It focuses on health topics that girls are concerned about and helps motivate them to choose healthy behaviors by using positive, supportive, and non-threatening messages.

Finally, I want to tell you about the President’s Challenge, the motivational awards program of the President’s Council on Physical Fitness and Sports. As the Council members and I travel around the country, we want to do more than quote health statistics. We are offering a *tool* to get all Americans, including women and girls, to start moving today. That tool is the “President’s Challenge,” a program to motivate everyone to start moving today and stay active for a lifetime.

You, Senators, and your colleagues, staff, family and friends can participate in the Challenge by logging on to *presidentschallenge.org* and signing up to earn a Presidential Active Lifestyle Award (PALA) for activity on five or more days a week for six weeks (30 minutes for adults, 60 minutes a day for youth aged 6–17). For those who are already active, the Presidential Champions awards offer bronze, silver and gold medals for points earned through participating in one or more of over 100 activities.

Every activity counts toward the awards—walking, climbing the stairs, raking leaves, digging in the garden, mopping the floor, biking, playing tag, dancing, jumping rope, sports—any physical activity! And you don’t have to do it at one time—you can accumulate activities in smaller increments. Take the President’s Challenge yourself and challenge your family to join you; challenge your constituents and staff to join you. Particularly, I call on you today to challenge the women in your life to start moving for health and well-being today—at home, at school, at work, at play and leisure, and in retirement communities and senior centers.

Please, tell your constituents to “Be physically active every day.” Tell them in your speeches and press conferences—any time you speak about health. Please promote the active lifestyle, promote a *HealthierUS*. Together, step-by-step, day-by-day, we can build a healthier U.S. for Americans of all ages, backgrounds and abilities, men and women, boys and girls alike.

Thank you for the opportunity to testify this morning. I would be happy to respond to questions.

The CHAIRMAN. Thank you, Dr. Richardson.

Next, Donna de Varona, two-time Olympic gold medalist, Emmy award-winning broadcaster, first president of the Women’s Sports Foundation.

**STATEMENT OF DONNA DE VARONA, U.S. OLYMPIAN AND
PRESIDENT, WOMEN’S SPORTS FOUNDATION**

Ms. DE VARONA. Thank you, Senator—Coach—

The CHAIRMAN. Yes.

Ms. DE VARONA.—Senator Smith, Senator Snowe, and Senator Lautenberg. We’ve been to this place many times before. And I am thrilled that you’ve opened up the doors of Congress for us to come today to address women’s sports and fitness.

I think Dot’s covered the area of fitness very well, but, to think about this, if we didn’t have Title IX, we wouldn’t have had women’s softball in the Olympics, and we most likely would not have this leader sitting before us today who can inspire a nation about the importance of physical fitness in sport.

What Dot wasn't able, or didn't have time, to tell you was that the perception of women in sport, what we do here translates around the world. I think the United States has set the agenda for international sport. And because the games were in Atlanta in 1996, we had the leverage to be able to get women's sports, team sports, on the calendar. Women's soccer was a first-time appearance in 1996 on the calendar. And then, of course, in 1999, our women's team filled the stadiums, from the Giants Stadium to the Rose Bowl, with fans, young fans, with a new sound in the stadium to enjoy and embrace women's sports.

But Dot didn't tell you that the International Olympic Committee has voted women's softball off the Olympic program, for a lot of the same reasons that we are struggling with today, for the perception that women aren't as interested in softball as they are in other things and that the resources should not be spent that way. Hopefully, Jenny Finch and a lot of the players and the head of the federation will be able to push a new vote, right before the Olympics, with the IOC Council to put women's softball back on the program, because we—certainly, we'd be missing an opportunity to embrace our role models and have them go out and lead us the way they do.

There's no question that without women's sports we wouldn't—without Title IX, we wouldn't be as far along as we are, as far as women's participation in sport. It's fueled the desire to be fit and healthy and to embrace competition on the field of play fivefold, as the Senator mentioned. But the truth is, no matter how it looks on the outside, no matter how many stadiums we fill, there's still widespread noncompliance with Title IX, and it still results in many women being treated like second-class citizens on the playing field.

For example, although, on average, women are 54 percent of the students in colleges, they receive only 43 percent of the sports participation opportunities, 38 percent of athletic operating dollars, and 33 percent of the money spent on recruitment. At the high-school level, girls represent only 42 percent of varsity athletes. With respect to promotion, the lifeblood of any sport, a study of the national and regional papers revealed that women receive only 7 to 9 percent of the space in the sports sections, and less than that in air time.

Yes, in a few weeks we're going to see women in the spotlight at the Olympics. That's our Super Bowl. But, beyond that, just pick up the paper and count how many lines are devoted to women's sports.

Female coaches and administrators continue to face discrimination in employment. If you look at our athletic departments, only a little over 9 percent of women are head athletic directors in our colleges.

And so, unfortunately, instead of enforcing Title IX, which polls show is overwhelmingly supported by the public, the Department of Education, in 2002, established a commission to review what they called Opportunity in Athletics. I was appointed to that commission. I was honored and excited to be part of that commission, because I thought we could look at the whole picture of sport in the United States, how colleges and high schools work with the com-

munities, with the Olympic Committee, how we could work together and create synergism so we could have more opportunities for more kids. We are looking at morbid obesity in our children, and diabetes, and health issues that are overwhelming. So, I thought this was a chance for all of us, 15 members, 15 leaders in this country, to do something, to come up with a new vision. Unfortunately, we got mired in the old battle that we're still fighting today that pits men against women about Title IX, the myth that, because we give resources to women, that those resources are taken away from men, when statistics show that that's not the case.

Therefore, after deliberation and \$700,000 of Department of Education that was spent on this commission report, where we heard from coaches and athletes from across the country, and we came up with a debate about 23 recommendations, Julie Foudy and I had to file a minority report, because, before we were appointed to this commission to look at the status of sports in the United States, which ultimately really focused on the Title IX guidelines, we were promised that all of our deliberations would be reflected in the report. At the end of this process, we were told, no, only the majority opinions would be reflected. So, Julie Foudy and I, after great frustration, decided to introduce a minority report in Congress so that all the views could be heard, across the board, about our discussions.

Because of that, and because of the widespread input and support of Title IX and the guidelines, the way they were, the Department of Education said, "OK, we're not going to change Title IX." President Bush, before he was reelected, said, "We will not touch the guidelines. We've gone through the debate. They are confusing to people. We need to educate the public. There's going to be no changes." All of us in this room, the Olympians, the people that have been here for 34 years, the Senators and Congressmen on both sides of the aisle that have supported Title IX, I think, breathed a sigh of relief.

But, lo and behold, less than 2 years later, in March of 2005, without any notice or public input, the Department of Education did an about-face and issued a new Title IX policy that threatens to reverse the enormous progress women and girls have made in sports since the enactment of the law. This new policy, called an "additional clarification," creates a major loophole through which schools can evade their obligation to provide equal sports opportunities to women and girls.

The bottom line is that the policy allows schools to gauge female students' interest, as you talked about, Senator Snowe, in athletics by doing nothing more than conducting an e-mail survey and to claim, in these days of excessive e-mail spam, that a failure to respond to the survey shows a lack of interest in playing sports. It eliminates schools' obligation to look broadly and proactively at whether they are satisfying women's interest in sports, and will thereby perpetuate the cycle of discrimination to which women have been subjected.

The new clarification violates basic principles of equality and should be rescinded. We spent a year on this, out of goodwill. Thirty-four years, we have been back to Congress to make sure the

guidelines work. They've been tested. They've been tested in the courts. They are strong. They are flexible. They are fair. We ask you, the leadership, to look at that clarification and suggest that it be taken out of the Department of Education's website. We were promised, after our Congress—after our meetings and our commission, that Title IX would stay intact, and that promise was not kept. And so, we're here today, all of us, as we've been battling, representing the country, when we can, as athletes and leaders, for you to look closely at this clarification and do the right thing.

Thank you.

[The prepared statement of Ms. de Varona follows:]

PREPARED STATEMENT OF DONNA DE VARONA, U.S. OLYMPIAN AND PRESIDENT,
WOMEN'S SPORTS FOUNDATION

Good Morning, I am Donna de Varona. I want to thank the Senate Committee on Commerce, Science, and Transportation for inviting me to testify today, and I ask that my written statement and attachments be included in the record.

My relationship with Washington and Congress dates back to the 1960s, when after returning from the 1964 Olympic games in Tokyo, I was appointed to my first of four terms on the President's Council on Physical Fitness. Back then I spent my summers working in intercity programs with children. I have also served on the United States Olympic Committee and the Boards of the Special Olympics, the Women's Sports Foundation, and the U.S. Soccer Foundation. I was a member of President Ford's Commission on Olympic Sports and President Carter's Women's Advisory Commission. From 1976 to 1978, I was a special consultant to the U.S. Senate on sports matters, and most recently I served as a Commissioner on Secretary of Education Roderick Paige's Opportunity in Athletics Commission. Subsequently, I was appointed to a Senate task force to help recommend a comprehensive plan to restructure the United States Olympic Committee.

Today we have been asked to address the status of women in sport both in the areas of promotion and opportunities. Although women and young girls have come a long way since the passage of Title IX some thirty-four years ago, there is still a lot to do. The framers of the legislation and later on the guidelines understood that mandating equality in opportunity could not happen overnight, and that is the reason why the guidelines and the three-part participation test are crafted the way they are. The guidelines and the test are flexible and fair. History has painted a picture of tremendous growth and acceptance of the female athlete, but she still battles the perception that girls and women are inherently less interested in sports than men and that providing women with opportunities cheats men out of resources. The argument pits young men and women against each other, and claims like these, as well as widespread non-compliance with Title IX in schools across the country have resulted in women being treated like second-class citizens on the playing field. For example, although on average women are 54 percent of the students in colleges, they receive only 43 percent of the sports participation opportunities, 38 percent of athletic operating dollars and 33 percent of the money spent on recruitment.¹ At the high school level, girls represent only 42 percent of varsity athletes.² In addition, women and girls continue to face discrimination at all levels of education and in community, recreational and professional sports programs, including in coverage of these programs by the media.³ With respect to promotion, the lifeblood of any sport, a study of national and regional papers revealed that women receive only

¹NCAA, *2002–2003 Gender Equity Report* (2004).

²NFHS, *2002 High School Athletics Participation Survey*.

³See, e.g., Priest, Laurie and Liane M. Summerfield, "Promoting Gender Equity in Middle and Secondary School Sports Programs," ERIC Digest, 1994; Rebecca Vesely, "California Takes Lead in Sports Equity," Women's eNews, Sept. 13, 2004 (regarding bill banning gender bias in youth athletics programs run by cities and counties), available at <http://www.womensenews.org/article.cfm/dyn/aid/1988/context/archive>; Sarah J. Murray, "Posting Up in the Pink Ghetto," Women's Sports Foundation, available at <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/body/article.html?record=884>.

about 7 to 9 percent of the space in the sports sections and less than that in air time.⁴

While girls and women can perform on the athletic stage, they still do not run a major sports broadcast network, nor make many important broadcast programming decisions. In educational institutions, the number of women head coaches and sports administrators has stagnated. In the past decade, we have seen two women's sports magazines fold, two professional leagues go out of business, and numerous established women's sports leaders leave the sporting profession. Softball has been taken off the Olympic program. In the broadcast profession, two well-known sports personalities—Robyn Roberts and Hanna Storm—have moved over to news departments. On the collegiate level, many female sports administrators have been let go with no future hope of employment in a sporting world too often controlled by a huge boys' club with sports boosters pulling the strings. For example, take a look at the story of 1972 Olympic gold medalist swimmer, Karen Moe. Karen has spent more than twenty years at the University of California. A winning and honored athlete and coach, she mentored 49 All-Americans and 9 Olympians. Fourteen years ago she was promoted to the athletics department and has consistently been given high performance ratings as an administrator. This year she was let go from her job with no explanation. Her departure is a loss to the University, to the students, and to those women who have lost a role model and are now wondering about pursuing a profession as sports administrator.

Yet with the stunning success of events like the 1999 Women's World Cup, when America's largest and most prestigious stadiums were packed with young vibrant fans to watch women compete, one might get the impression that all is healthy in women's sports. After all, since the passage of Title IX, we have witnessed an unprecedented increase in participation. Before Title IX was enacted, fewer than 32,000 took part in collegiate sports. Now more than 150,000 take part. In high school, the number has gone from 300,000 to over 2.8 million.⁵ With this increased participation has come the ability to research the true benefits of sport for women, and the results show huge benefits such as the promotion of responsible social behavior, greater academic success, and increased personal skills. According to published research such as the Carnegie Corporation's "The Role of Sports in Youth Development," compared to their non-athletic peers, athletes are less likely to smoke or use drugs; have lower rates of sexual activity and teen pregnancy; have higher grades; and learn how to work with a team, perform under pressure, set goals, and take criticism.⁶ Since health costs are soaring in this country and the Nation faces a serious problem with morbid obesity and diabetes, I would be remiss if I did not mention the health benefits to those who are fit and much more able lead by example and teach the values of a healthy lifestyle to their peers and someday their children.

However, it is dangerous to assume that just because some exceptional efforts attract a nationwide spotlight all is healthy in women's sports. In fact, despite the fact that sports for girls and women have proven to be so beneficial, there is still an unfortunate debate going on as to the merits of the law that created those opportunities. In June 2002, a 15-member commission was appointed by Secretary of Education Roderick Paige to review opportunities in athletics. I was a member and I am disappointed to say that most of our time was spent on longstanding Title IX policies governing athletics and whether they should be revised. To this day, I feel that we all missed an important opportunity to address the larger issue of how to provide more sports and fitness opportunities to all students in all our schools.

As you have heard from others today, Title IX has been the engine that has created an explosion of sports opportunities for women over the last three decades. But Title IX has also been under constant attack and scrutiny since it was enacted, and today is unfortunately no different. The impetus for the Commission centered on

⁴Judith Jenkins George, "Lack of News Coverage for Women's Athletics: A Questionable Practice of Newspaper Priorities," Aug. 20, 2001, available at <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/media/article.html?record=807>.

⁵National Collegiate Athletic Association (NCAA), *1982-2002 Sponsorship and Participation Report* 65, available at http://ncaa.org/library/research/participation_rates/1982-2002/participation.pdf; National Federation of State High School Associations (NFHS), *2002 High School Athletics Participation Survey*, available at http://www.nfhs.org/nf_survey_resources.asp.

⁶See, e.g., Carnegie Corporation, *The Role of Sports in Youth Development*, 9 (March 1996); NFHS, *The Case for High School Activities* (2002) at 3, 9; The National Campaign to Prevent Teen Pregnancy, *Fact Sheet: Not Just Another Single Issue: Teen Pregnancy and Athletic Involvement* (July 2003); *The Women's Sports Foundation Report: Sport and Teen Pregnancy* (1998) at 5-7; The President's Council on Physical Fitness and Sports, *Physical Activity & Sports in the Lives of Girls* (Spring 1997); and *Black Female Athletes Show Grad-Rate Gains*, The NCAA News (June 28, 1995).

claims by some that the way in which Title IX has always been enforced by the Department “needlessly results in the elimination of some men’s teams.” The Department spent a year and about \$700,000 of taxpayers’ money and heard from thousands of experts and citizens nationwide through public meetings, e-mails, reports, and letters, ultimately adopting 23 recommendations.⁷ A *USA Today*/CNN/Gallup poll conducted during the Commission’s tenure indicated that seven of ten adults who are familiar with Title IX think the Federal law should be strengthened or left alone.⁸ Yet many of the Commission’s ultimate recommendations would have seriously weakened Title IX’s protections and substantially reduced the opportunities to which women and girls are entitled under current law.

For this reason, and because the Commission’s report failed to address key issues regarding the discrimination women and girls still face in obtaining equal opportunities in athletics, Co-Commissioner Julie Foudy and I released a Minority Report setting forth our views.⁹ We felt an obligation to all those who testified to produce a Minority Report because, contrary to what we were promised at the beginning of our deliberations, we were not permitted to include within the Commission’s report a full discussion of the issues and our position on the recommendations that were adopted.

In our Minority Report, we pointed out that the Title IX athletics policies have been critical to the effort to expand opportunities for women and girls, have been in place through Republican and Democratic Administrations, and have been upheld unanimously by the Federal appellate courts. We also noted that advances for women and girls have not resulted in an overall decrease in opportunities for men, and that in the cases where men’s teams have been cut, budgetary decisions and the athletics arms race are the true culprits. Even the Division I athletic directors who served on the Commission testified that revenue producing sports in big-time colleges are “headed for a train wreck.” Based on these findings, we recommended that the current Title IX athletics policies not be changed but enforced to eliminate the continuing discrimination against women and girls in athletics. We also recommended that schools and the public be educated about the flexible nature of the law, reminded that cutting men’s teams to achieve compliance is not necessary or favored, and encouraged to rein in escalating athletics costs to give more female and male athletes chances to play.

The outcome of this lengthy and costly Opportunity in Athletics debate was that the Department of Education rejected the Commission’s proposals and strongly reaffirmed the longstanding Title IX athletics policies. In its July 11, 2003 “Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance,”¹⁰ the Department of Education stated: “After eight months of discussion and an extensive and inclusive fact-finding process, the Commission found very broad support throughout the country for the goals and spirit of Title IX. With that in mind, OCR today issues this Further Clarification in order to strengthen Title IX’s promise of non-discrimination in the athletic programs of our Nation’s schools.” The document goes on to say that Title IX’s three-part participation test provides schools with three separate ways to comply and that nothing in that test requires or encourages schools to cut men’s teams; it also promised that OCR would aggressively enforce the longstanding Title IX standards, including implementing sanctions for institutions that do not comply.

However, less than two years after strongly reaffirming the longstanding Title IX athletics policies, and without any notice or public input, the Department of Education did an about-face and posted on its website, late in the afternoon of Friday, March 17, 2005, a new Title IX policy that threatens to reverse the enormous progress women and girls have made in sports since the enactment of Title IX.¹¹ This new policy, called an “Additional Clarification,” creates a major loophole through which schools can evade their obligation to provide equal sports opportunities to women and girls. The bottom line is that the policy allows schools to gauge female students’ interest in athletics by doing nothing more than conducting an e-mail survey and to claim—in these days of excessive e-mail spam—that a failure to respond to the survey shows a lack of interest in playing sports. It eliminates

⁷ See “Open to All”: Title IX at Thirty, The Secretary of Education’s Commission on Opportunity in Athletics, Feb. 28, 2003, available at <http://www.ed.gov/about/bdscmm/list/athletics/report.html>.

⁸ Erik Brady, “Poll: Most adults want Title IX law left alone,” *USA TODAY*, Jan. 7, 2003.

⁹ See *Minority Views on the Report of the Commission on Opportunity in Athletics*, Report submitted by Donna de Varona and Julie Foudy, Feb. 2003.

¹⁰ Office for Civil Rights, United States Department of Education, “Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance,” July 11, 2003.

¹¹ Office for Civil Rights, United States Department of Education, “Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test—Part Three,” Mar. 17, 2005.

schools' obligation to look broadly and proactively at whether they are satisfying women's interests in sports, and will thereby perpetuate the cycle of discrimination to which women have been subjected. The new Clarification violates basic principles of equality, as I explain further below.

As a member of the Commission that spent a year carefully analyzing these issues, I am deeply troubled that the Department would change its 2003 stated position, in which it reaffirmed the longstanding Title IX policies and pledged to enforce them. Instead, the Administration has unilaterally adopted this dangerous new policy without public announcement or opportunity for public comment. Five of my fellow Commissioners and I are so concerned about this new Clarification that we recently sent a letter to athletic administrators around the country warning them about the flaws of the survey procedure endorsed in it, and urging them to decline to use such procedures and instead to join us in asking for it to be withdrawn.¹² To fully understand why this new Clarification is so dangerous, it is important to review the relevant longstanding Title IX athletics policies. Title IX requires schools to provide males and females with equal sports participation opportunities. A 1979 Policy Interpretation elaborates on this requirement by providing three independent ways that schools can meet it—by showing that:

- The percentages of male and female athletes are about the same as the percentages of male and female students enrolled in the school (the “proportionality” prong); *or*
- The school has a history and continuing practice of expanding opportunities for the underrepresented sex—usually women; *or*
- The school is fully and effectively meeting the athletic interests and abilities of the underrepresented sex.¹³

The Department's new Clarification allows schools not meeting the first or second prongs—that is, schools that are *not* providing equal opportunities to their female students and that have not consistently improved opportunities for them—to show that they are nonetheless in compliance with Title IX by doing nothing more than sending a “model” e-mail survey to their female students asking about their interest in additional sports opportunities. According to the Clarification, the Department will presume that schools comply with Title IX if they use this survey and find insufficient interest to support additional opportunities for women, unless female students can provide “direct and very persuasive evidence” to the contrary.

This new policy dramatically weakens existing law. First, it allows schools to use surveys *alone* to demonstrate compliance with the law. Under prior Department policies, schools must consider many other factors besides surveys to show compliance with prong three, including: requests by students to add a particular sport; participation rates in club or intramural sports; participation rates in sports in high schools, amateur athletic associations, and community sports leagues in areas from which the school draws its students; and interviews with students, coaches, and administrators.¹⁴ The new Clarification eliminates the obligation to consider these important criteria.

Second, surveys are problematic because they are likely only to measure the discrimination that has limited, and continues to limit, sports opportunities for women and girls. Courts have recognized that interest cannot be measured apart from opportunity.¹⁵ In other words, to quote the movie *Field of Dreams*, “If you build it, they will come.” Basing women's opportunities on their responses to surveys that measure their prior lack of exposure will only perpetuate the cycle of discrimination. The new Clarification is particularly damaging for students in high school, where female students are likely to have had even fewer sports opportunities that would inform their responses to a survey, and where students should be encouraged to try many different sports, not have their opportunities limited by what they might have experienced or be interested in at that time.

Third, by allowing schools to restrict surveys to enrolled and admitted students, the Clarification lets schools off the hook from having to measure interest broadly. The Clarification ignores the reality that students interested in a sport not offered by a school are unlikely to attend that school. By not requiring schools to evaluate interest that exists beyond their own campuses—such as in high school, community,

¹²“Dear Colleague” Letter from Ted Leland et al., Oct. 11, 2005.

¹³United States Department of Health, Education, and Welfare, Office for Civil Rights, *Title IX of the Education Amendments of 1972: a Policy Interpretation; Title IX and Intercollegiate Athletics*, 44 Fed. Reg. 71,413 (December 11, 1979).

¹⁴United States Department of Education, Office for Civil Rights, *Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test* (Jan. 16, 1996).

¹⁵*Cohen v. Brown University*, 101 F.3d 155, 179–80 (1st Cir. 1996).

and recreational programs in the areas from which a school typically draws its students—the new policy allows schools to select the universe of people who will be able to respond from those who have already signaled their willingness to accept limited opportunities.

Fourth, the Clarification authorizes flawed survey methodology. For example, schools may e-mail the survey to all female students and interpret a lack of response as evidence of lack of interest. Given the notoriously low response rates to surveys in general, let alone to anything sent via email, this authorization will allow schools to avoid adding new opportunities for women even where interest does in fact exist on campus. In addition, schools may presume that young women's self-assessment of lack of ability to compete at the varsity level reflects an actual lack of ability. Young women who have played sports at the club level or sports other than the ones being considered for varsity status may well have the ability to compete at a varsity level in the sport at issue. Tennis players, for example, may also be able to play squash, and many female athletes can become expert rowers. But under the new Clarification, schools are relieved of any obligation to seek the opinions of coaches or other experts on this issue.

Fifth, the new Clarification shifts the burden to female students to show that they are entitled to equal opportunity. Longstanding Title IX policies put the burden on schools to show that they are fully meeting the interests and abilities of their female students. The new Clarification forces women to prove that their schools are *not* satisfying their interests and that they are entitled to additional opportunities.

Finally, the Department's new policy does not even require that the Office for Civil Rights monitor schools' use of the survey to ensure that they meet minimal requirements for survey use or interpret the results accurately.

For all these reasons, the Department's new Clarification represents a giant step backwards in the progress that women and girls have made in the past three decades. If left in place and used by schools, the new Clarification will lead to a reduction in opportunities for our Nation's daughters. We call on Congress to do everything within its power ensure that this does not happen.

Title IX has opened the door for millions of women and girls to participate in sports, but much work remains to be done to fulfill its promise and vision. We welcome Congress' focus on the promotion and advancement of women in sports and look forward to working together to expand athletic opportunities for women and girls.

The CHAIRMAN. Thank you, Donna.

And next, Dominique, I guess I should have called on you first. I apologize, because you are the president of Women's Sports Foundation. I'm delighted that you've come. I think people should know that you're not only the president, but you're a three-time Olympic gymnast yourself—2000, 1996, 1992. You're a member of the U.S. Olympics women's gymnastic team that got us our first Gold Medal in that gymnastics team effort. And we're delighted that you've taken on the role of president of Sports Foundation. And, as Donna outlined, you have a big job to help us turn that around. So, we'd be happy to have your comments.

**STATEMENT OF DOMINIQUE DAWES, U.S. OLYMPIAN AND
PRESIDENT, WOMEN'S SPORTS FOUNDATION**

Ms. DAWES. Good morning, Senators. Good morning, staff. Thank you so much for having me, inviting me to testify.

I'm Dominique Dawes, three-time Olympian, Olympic gold medalist, and president of the Women's Sports Foundation, and I am truly honored to be here this morning amongst past presidents Donna de Varona, Benita Fitzgerald Mosley, and, of course, Billie Jean King.

Today, as you all know, is National Girls and Women in Sports Day. And I am taking part in participating in National Women in Sports Day not only because I started gymnastics at the ripe old

age of 6 years old, but because gymnastics has really made me the confident, secure person that I am today.

This is an appropriate time to express concern about the current state of physical inactivity among young girls. While others on this panel have addressed the issue of inequality in sports opportunities and fitness, I would like to place in perspective what is at stake if we do not equally encourage our sons and daughters to participate in sports and engage in regular physical activity.

We are in the midst of an obesity epidemic that has been created by sedentary lifestyles and poor nutrition. If we do nothing to change these circumstances, one in three children that were born in 2000 will develop Type 2 diabetes. While we know that both boys and girls are in danger, we also know that girls are at greater risk for inactivity in our society, especially girls from underserved and lower socioeconomic populations.

By the time a girl is 17 years old, she has seen 250,000 television commercials focusing on her looks—not her health or physical abilities. Mind you, when I trained, I was in the gym 40 hours a week, so I had absolutely very little time for television, so I missed, thank goodness, all of those television commercials. Fifty-one percent of 9- to 10-year-old girls feel better about themselves when they're dieting. Fifty-three percent of 13-year-old girls are unhappy with their bodies, increasing to 78 percent at the age of 17 years old.

Now, I'm a part-time coach in the sport of gymnastics, and all of my young girls are proud with the way that they look, with the way that they feel. And I truly attribute that to their commitment in the sport of gymnastics. And I want that for all young girls.

The media has even convinced girls that big is unattractive and they must achieve an unobtainable body type, even though big girls can be fit and healthy. However, what we've realized is one in six girls is now obese or overweight, contrasted to the one in 21 in 1970. African-American girls are twice as likely to be overweight than their counterpart Caucasian young girls. Now, that's sad to hear.

If a girl does not participate in sports by the time she is 10 years old, there is only a 10 percent chance that she will participate when she reaches age 25. And between middle-school and high-school girls, they drop out at twice the rate of that of their male counterparts. By the age of 16 and 17, only one in seven girls attends physical education class daily, and 15 to 30 percent report no regular physical activity at all.

Now, I remember when I was in elementary school, junior high, high school, I was required—on top of my 40 hours of training in the sport of gymnastics, to take part in mandatory P.E. classes, and it's sad to think that the kids today, they don't have that, and that their health is secondary. And that's a problem.

High-school boys receive 40 percent more chances to play varsity sports than girls, with similar statistics in college. We know that sports and physical activity can make a critical difference. I know. Regular participation in physical activity during childhood and adolescence promotes the development of positive body image, confidence, and self esteem. Girls who participate in sports and physical activity are academically more successful, more likely to grad-

uate from high school, more likely to matriculate in college, and experience greater career success.

Participation in sports and other physical activities can also help reduce a girl's health risk from many different ailments—obesity, diabetes, heart disease, the number one killer, cardiovascular disease, the number one killer of women, osteoporosis, breast cancer, depression, unintended teen pregnancy, anxiety, and low self esteem, among others.

Well, I am here this morning to respectfully request that the Members of Congress increase their efforts to give every girl an equal chance to play, because her life depends on it. Specifically, the Office of Civil Rights of the Department of Education must enforce Title IX. Congress must exercise its oversight responsibilities to make sure that OCR is meeting its legal responsibilities to enforce Title IX. Efforts to weaken Title IX, such as the clarification, should not be supported by Congress. The Department has done just that with this clarification, and Congress ought to do everything in its power to ensure that the Department rescinds this unfair and unlawful policy. Our sons and daughters must have the same opportunities and encouragement to participate in sports and physical activity.

Also, funding the Carol M. White Physical Education Program should be increased in order to provide funds for mandatory physical-education programming and meeting State physical-education standards. Physical education is delivered through our schools, and it is the most cost-effective physical-activity delivery system we can invest in, and the only program that serves children of all socioeconomic levels.

And, finally, the United States Olympic Committee and its national sports governing bodies must be asked to fulfill the full promise of the Ted Stevens Olympic and Amateur Sports Act to provide equal opportunities for women, minorities, and the disabled in grassroots—as well as elite-level sports. We will not continue to dominate in Olympic competition, as we have for so many years, if we forget about broad participation at the grassroots level.

I want to thank you so much for your time, your consideration, and, more importantly, your passion for our young girls. Thank you.

[The prepared statement of Ms. Dawes follows:]

PREPARED STATEMENT OF DOMINIQUE DAWES, U.S. OLYMPIAN AND PRESIDENT,
WOMEN'S SPORTS FOUNDATION

I am Dominique Dawes, president of the Women's Sports Foundation, a 501(c)(3) non-profit national educational organization. The Foundation was founded in 1974 by Billie Jean King, to advance the lives of girls and women through sports and physical activity. Billie Jean and a host of legendary athletes leaders who like me, have served as President of the Foundation, did not want girls following in their footsteps to face the same barriers to participation as they did. To address the needs of girls and women in sports, the Foundation produces programming in four areas: education, advocacy, recognition and grants and is among the top ten public women's grant-giving funds in the Nation.

As an athlete, I have had the privilege of representing the United States in three Olympic Games: 2000, 1996, 1992 and was a member of the 1996 Olympic women's team that clinched the first-ever gymnastics team gold medal for the United States. In addition to the team gold medal, I won an individual bronze medal in the floor exercise at the 1996 Olympic Games, becoming the first African-American to win an individual event medal in gymnastics. On August 13, 2005, I was honored to be in-

ducted into the USA Gymnastics Hall of Fame. I am also a television sports commentator and analyst and I coach gymnastics privately at Hill's Gymnastics in Gaithersburg, Maryland, the gym where I grew up training. I am also a spokesperson for the Girls Scouts "uniquely ME" program which builds girls' self esteem and empowers them to fulfill their potential. I am a graduate of the University of Maryland, College Park, with a degree in communications.

Today is National Girls and Women in Sports Day and I am also here representing the seven co-sponsoring agencies of the Day: the American Association of University Women (AAUW), Girls Incorporated, Girl Scouts of U.S.A., the National Association for Girls and Women in Sport (NAGWS), National Women's Law Center (NWLC), the Women's Sports Foundation (WSF), and the YWCA of the U.S.A. (YWCA).

I am here before you to express concern about the current state of inactivity among girls and how non-compliance with Title IX, the lack of equal opportunity in schools and colleges and open amateur sports and our current media culture contributes to girls being at higher risk for chronic diseases that are the result of sedentary lifestyles. While others on this panel will address the issue of inequity of sports opportunities, I would like to place in perspective what is at stake if we do not equally encourage our sons and daughters to participate in sports and engage in regular physical activity.

Girls At Higher Risk for Physical Inactivity

The current widespread American support for equal treatment of males and females in sports is directly related to the fact that the public now understands that sports and physical activity are essential for the health and well-being of our children. We are in the midst of an obesity epidemic that has been created by sedentary lifestyles and poor nutrition habits. If we do nothing to change these circumstances, one in three children born in the year 2000 will develop Type 2 diabetes.¹

We also know that girls are at greater risk for inactivity in our society than boys, especially girls from underserved and lower socioeconomic populations. By the time a girl is 17 years old she has seen 250,000 television commercials focusing on her looks - not her health or physical abilities.² Forty-two percent of girls in grades one through three want to be thinner,³ 51 percent of 9-10-year-old girls feel better about themselves when dieting⁴ and 53 percent of 13 year old girls are unhappy with their bodies, increasing to 78 percent at age 17.⁵ The media has convinced girls that "big" is unattractive and they must achieve an unattainable body type, even though big girls can be fit and healthy. One in six girls is now obese or overweight contrasted to one in 21 in 1970.⁶ Black girls are twice as likely to be overweight as white girls.⁷ If a girl does not participate in sports by the time she is 10 years old, there is only a 10 percent chance she will participate when she reaches the age of 25.⁸ Between middle school and high school, girls drop out of sport at a rate that is double that of boys.⁹ By the age of 16 or 17 only one in seven girls attends physical education class daily and 15-30 percent report no regular physical activity at all.¹⁰ High school boys receive 40 percent more chances to play varsity sports than girls with similar statistics in college.¹¹

Sport and Physical Activity: An Effective Intervention

We know that sport and physical activity are effective interventions to addressing the obesity crisis and research shows that sports and physical activity participation has an incredibly positive impact on the lives of girls and women. A 2004 compilation of research on the relationship of girls' and women's health by the Women's Sports Foundation summarized these benefits.¹² Regular participation in physical activity during childhood and adolescence promotes the development of positive body image,¹³ confidence,¹⁴ and self-esteem.¹⁵ Girls who participate in sports and physical activity are academically more successful,¹⁶ more likely to graduate from high school,¹⁷ more likely to matriculate in college,¹⁸ and experience greater career success.¹⁹ Participation in sports and other physical activities can help reduce a girl's health risk for obesity,²⁰ diabetes,²¹ heart disease,²² osteoporosis,²³ breast cancer,²⁴ depression,²⁵ unintended teen pregnancy,²⁶ anxiety and lack of self-esteem²⁷ among others.

A physical activity intervention is essential if we want to change the following startling statistics:

- 1 in every 6 girls is obese or overweight;²⁸ and as women, are 60 percent more likely to die from breast cancer²⁹
- 1 in 3 teens get pregnant by the age of 20³⁰
- 1 in 3 girls in grades 9-12 currently smoke;³¹ lung cancer is the leading cause of cancer deaths among women³²

- 1 in 3 adolescent girls will experience depression,³³ anxiety or eating disorders³⁴
- Girls aged 4–19 have significantly higher “bad” cholesterol levels than boys; heart disease is the #1 cause of death among American women.³⁵

In addition to physical and mental health benefits, the lessons of sport contribute to women’s career success. Eighty percent of women identified as key leaders in Fortune 500 companies participated in sports during their childhood and self-identified as having been “tomboys.³⁶” More than four out of five executive businesswomen (82 percent) played sports growing up—and the vast majority say lessons learned on the playing field have contributed to their success in business.³⁷ In a study of active female executives, 86 percent said sports helped them to be disciplined, 69 percent said sports helped them develop leadership skills that contributed to their professional success, and 69 percent said sports has given them a competitive edge over others.³⁸

Need For Congressional Leadership

I am here to respectfully request that Members of Congress continue and increase their efforts to address the issue of lower opportunities for girls to participate in sports and physical activity. Specifically:

1. The Office of Civil Rights of the Department of Education must enforce Title IX. There are too many institutions that are simply not in compliance with the law and too few compliance reviews are being conducted. Funding and other encouragement for this agency is necessary.
2. Efforts to weaken Title IX should not be supported by Congress. Our sons and daughters must have the same opportunities and encouragement to participate in sports and physical activity.
3. Funding for the Carol M. White Physical Education Program, an Act promulgated because of the leadership of Senator Stevens, should be increased in order to provide funds for mandatory physical education programming and meeting state physical education standards. Physical education delivered through our school is most cost effective physical activity delivery system we can invest in and the only program that serves children of all socio-economic levels.
4. The United States Olympic Committee and its national sports governing bodies must be asked to fulfill the full promise of the Ted Stevens Olympic and Amateur Sports Act to provide equal opportunities for women, minorities and the disabled in grassroots as well as elite level sports. We will not continue to dominate Olympic competition if we forget about broad participation at the grassroots level.

Your consideration of these comments is greatly appreciated.

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The CHAIRMAN. Thank you very much.

Our next witness, Jennie Finch, a member of the pro fast-pitch Chicago Bandits, star pitcher for the gold medal winning 2004 USA Olympic women's softball team. We congratulate Casey Daigle for being your husband. And you can tell us about your new arrival, when it's going to come.

**STATEMENT OF JENNIE FINCH, U.S. OLYMPIAN/
PROFESSIONAL SOFTBALL PLAYER**

Ms. FINCH. Thank you for being here. It's an honor to sit on this board. I want to thank the Women's Sports Foundation for bringing me in and giving me this opportunity.

I am Jennie Finch, a professional softball player and a pitcher on the gold medal winning 2004 USA Olympic women's softball team.

I would not be here today if it wasn't for Title IX. Like my two older brothers, my life has been centered around sports. It is where I have met my closest friends and shaped the values that have made me a successful athlete, student, and role model for young people. I started playing softball when I was 5 years old. I was so excited to get introduced to a sport that was just for girls but similar to what my brothers played. It made me what I am: a disciplined and hardworking person at whatever I do, a team player who understands the importance of working with others, and a person who knows how to put losing, sitting on the bench, or a tough boss in perspective.

I know I was lucky, in that I had access to many opportunities that other women did not. My family supported my playing, and I had access to neighborhood teams. I got an athletic scholarship that gave me a college education and sports career opportunities.

But there are others who have not been as fortunate as I. Girls receive over a million fewer opportunities to play high-school sports than boys, and have significantly fewer opportunities at college level, too. College female athletes receive \$135 million less in athletic scholarships than college male students. Colleges spend \$1 billion less on women's sports than men's sports.

Women are vastly underrepresented in sports leadership positions, from athletic directors and coaches to executives in the National Sports Governance Organization and the USOC. Women of color are represented by single-digit percentages in coaching and administrative positions. The higher the status or salary of the position, the lower the percentage of females who are employed.

Just this past year, despite the fact that women are still significantly underrepresented in the Olympic Games, the International Olympic Committee voted to eliminate women's softball from the 2012 games. I've provided a number of facts, which we are all aware of. I am here as proof that Title IX can work, and has worked. My goal is to help more female athletes receive the benefits and opportunities that Title IX has provided me as a student athlete at the University of Arizona and as an Olympian and a professional athlete.

I am here to ask that Members of Congress address these issues, because it is very difficult for athletes and parents to do so. We have the Federal mechanisms in place to realize the promise of equal opportunities for all women if Congress makes sure that Title IX enforcement happens. Women in sport need your help. Your consideration of this requested assistance is greatly appreciated.

Thank you.

[The prepared statement of Ms. Finch follows:]

PREPARED STATEMENT OF JENNIE FINCH, U.S. OLYMPIAN/PROFESSIONAL SOFTBALL
PLAYER

I am Jennie Finch, currently a member of the National Pro Fastpitch Chicago Bandits women's softball team. I was the pitcher for the gold medal winning 2004 United States women's Olympic softball team. I played softball at the University of Arizona and hold the NCAA record for consecutive wins (60). In my senior season, I helped Arizona reach the NCAA Women's College World Series and place second.

In 2001, Arizona won the national championship and I was named the Women's College World Series Most Outstanding Player. As Pac-10 Pitcher of the Year, I finished that season with a 32-0 record and the NCAA record for most wins in a season without a defeat. I am a two-time winner of the Honda Award, an award presented to the Nation's best player. I am also involved with the Make-A-Wish Foundation and give clinics and lessons to underserved kids.

I would not be here if it wasn't for Title IX. Like my two older brothers, my life has been centered around sports. It is where I have met my closest friends and shaped the values that have made me a successful athlete, student and role model for young people. I started playing softball when I was five years old and was so excited to get introduced to a sport just for girls. It made me what I am: a disciplined and hardworking person at whatever I do, a team player who understands the importance of working with others, and a person who knows how to put losing, sitting the bench or a tough boss in perspective. I know I was lucky in that I had access to many opportunities that other women did not. I grew up with people who supported my playing. I had access to neighborhood teams. My family provided enough financial support for me to play in after school programs that many girls either couldn't afford or didn't have the transportation to enable them to play. I had an athletic scholarship that gave me a college education and sports career opportunities. I had female role models to look up to starting in middle school, athletes like Julie Foudy and Mia Hamm who made me realize that there was room in the world of sports for women. They ignited my dream of becoming an Olympic athlete. Seeing women on television was very important to me. It opened my eyes to the possibilities of women's sports. It showed me what I could do and who I could be. And now I'm a professional athlete with the opportunity to make my living through sport as so many men have been able to do before me.

But there are others who have not been as fortunate as I.

- Girls comprise 49.03 percent of the high school population (National Center for Education Statistics (NCES), 2003-2004) but only receive 41.3 percent of all athletic participation opportunities. (National Federation of High Schools (NFHS), 2004-2005)
- Females comprise 57 percent of the college student population (NCES, Fall 2002) but only receive 43 percent of all college athletic participation opportunities. (National Collegiate Athletic Association (NCAA), 2003-2004)
- College female athletes receive \$135 million or 25 percent fewer scholarship dollars than college male athletes. (NCAA Gender Equity Report, 2002-2003)
- College female athletes receive \$1.18 billion or 80.21 percent fewer sport operating budget dollars than college male athletes. (NCAA Gender Equity Report, 2002-2003)
- NCAA colleges spend \$39 million or 103 percent fewer dollars recruiting female athletes than they do on male athletes. (NCAA Gender Equity Report, 2002-2003)

Women are vastly underrepresented in sports industry and sports leadership positions:

College Positions	Male (in percent)	Female (in percent)
Athletic Directors	81.5	18.5
Head Coaches of Women's Teams	55.9	44.1
Head Coaches of Men's Teams	98.0	2.0
Full-time Athletic Trainers	70.0	30.0
Sports Information Directors	87.8	12.2
<small>Acosta and Carpenter, 2004</small>		
Sports-Industry Careers	Male (in percent)	Female (in percent)
Big 4 leagues	87.4	12.6
Other leagues/teams	82.9	17.1
Sports marketing agencies	71.7	28.3
Broadcast/media	91.7	8.3
Stadium/arena/track	82.5	17.5
Corporations/manufacturers	78.3	21.7

Sports Business Journal 2002 Salary Survey

Sports-Industry Careers	Persons of Color (in percent)
Big 4 leagues	7.6
Other leagues/teams	6.1
Sports marketing agencies	6.6
Broadcast/media	4.2
Stadium/arena/track	5.3
College	9.3
Corporations/manufacturers	17.4

Sports Business Journal 2002 Salary Survey

In general, the higher the status or salary of the position, the lower the percentage of females who are employed. Women of color are in double jeopardy with regard to sports industry employment, facing race as well as gender discrimination. We have so far to go.

It's been 34 years since the passage of Title IX and 28 years since the passage of the Ted Stevens Olympic and Amateur Sports Act. Yet, discrimination still exists in schools, colleges and amateur sports. This discrimination is readily apparent to the public in my own sport. Baseball teams in high schools all over the Nation play on-campus, on manicured fields with lights, dugouts, batting cages, locker rooms and toilet facilities while girls' teams are relegated to inferior public park fields with no amenities.

Just this past year, despite the fact that women are still significantly underrepresented in the Olympic Games, the International Olympic Committee voted to eliminate women's softball from the 2012 Games. There are few women in leadership positions in softball's national or international sport governing bodies despite the Ted Stevens Act which mandates that such opportunities be provided.

Women's sport in general is virtually ignored by the press, receiving less than 7 percent of all sports coverage in the print and electronic media. If a female athlete chooses to be a mother, we are pushed out of sports because there are no support structures or player benefits to accommodate players with children. This is particularly important to me because I am expecting a son in April.

Please know that I'm not here to complain. Rather, I am here to ask that Members of Congress address these issues because it is very difficult for athletes and parents to do so. We have the Federal mechanism in place to realize the promise of equal opportunity in sport if Congress makes sure that Title IX enforcement and oversight of the USOC and its national sport governing bodies happens.

Sport is too potent a force in society and has too much of an impact on an individual's health, confidence and self-esteem for us not to do everything we can to ensure that sports girls and sportswomen are treated as well as sports boys and sportsmen.

Your consideration of these comments is greatly appreciated.

The CHAIRMAN. Thank you very much.

Our last witness on this panel, Catherine Reddick. And, Catherine, I'm told I should be able to call you "Cat" Reddick.

Ms. REDDICK. Sounds good to me.

The CHAIRMAN. Yes. And a gold medal winner in soccer in 2004, and World Cup 2003 bronze medalist. We're delighted to have you with us.

STATEMENT OF CATHERINE "CAT" REDDICK, U.S. OLYMPIAN

Ms. REDDICK. Well, thank you, Chairman Stevens, Senator Smith, and the Members of the Committee. My name is Cat Reddick, and I'm thrilled to have the opportunity to speak with you today about an issue that means a great deal to me. Today's hearing is very important, not just to me, but to millions of girls and women who deserve the opportunity to play sports. I want you all to know how much I appreciate your leadership in getting us together.

I believe very strongly that if it weren't for an important civil rights law we call Title IX, I probably wouldn't be here today. As you know, that's the law that says schools have to provide the

same opportunities to girls that they do to boys in everything they do, including sports.

I grew up in Birmingham, Alabama, and I've been interested in sports for about as long as I can remember. My father played football at Virginia Tech, so my parents wanted sports to be a part of my life. I've always enjoyed watching the football powerhouses in the South, like Georgia and Florida, but, of course, being from Alabama, the one question you're always asked about is the football game we call the Iron Bowl, "Who are you cheering for, Auburn or Alabama?" It's no stretch to say that when you're talking about sports in Alabama, you're usually talking about football. And, as I said, I'm a huge fan, too.

However, too often, growing up, the story would end there. I wanted to play sports, and I had the support of my parents, but the opportunities were limited. I had to play on boys soccer teams until my freshman year in high school. Being one of the only girls on the team wasn't always easy. Not all of my teammates wanted me there.

I was so happy to finally play organized sports with girls in school, because it created so many possibilities for me. I'm very fortunate to have gone on to much success. I've had the chance to go to an outstanding college that I would not have been able to afford if it hadn't been for an athletic scholarship. I've been on a national championship team. I've traveled to places that many young girls in Birmingham can only dream about. I've had the support of sponsors like Nike, who have taken strong stands for women's sports and for Title IX. I've had the privilege to represent our country in the Olympics and play alongside national icons.

But the most important experience, to me, has nothing to do with championships or medals. The best things I've gained from playing sports are the same things that any girl can gain by simply participating. I've gained self-confidence. I've embraced a healthy lifestyle. I've gained the experience of being part of a team. I've built friendships that will last forever. And I've learned about hard work, patience, and perseverance from the role models of the generations before me, the first generation of athletes who have benefited from Title IX.

And just as pioneers such as Coach Erickson and many of the other people you will hear from today have done, it's now my obligation, and my passion, to ensure the opportunities I had are available to the generation of the girls to come.

Soccer isn't the only thing in my life, but it's an important part. And the lessons I have learned are things I apply to everything in my life. That's why this is so important. While not every girl can have a scholarship, they deserve to learn the lessons and improve their lives. Please understand that this isn't easy. Even today, I have friends, mostly men, who think that Title IX should be limited. Where I'm from, some people still see football and basketball as the only sports that matter, and they somehow see women not worthy or able to participate in sports.

However, I also want to say how very proud I am of the progress we've made. When I was growing up in Alabama, there wasn't much information or interest in girls soccer. But now the interest in the sport is growing faster than virtually anywhere in the coun-

try. The opportunities created by Title IX have generated enough interest and support in girls soccer that club teams are in full swing in Alabama today.

So, that's what brings me here this morning. I want you to know that without Title IX, I don't think this would have been possible. I always had the desire to play sports, but I couldn't learn these important lessons until I had the opportunity.

I urge you to fight to keep this important civil-rights law strong and make sure it's enforced. This is not the time to weaken the rule of fair play. Title IX has been so much for so many young girls. Somewhere in Alabama right now, there is a young girl out there wanting to play a sport and improve her life and inspire yet another generation to come. Please make sure that happens.

Thank you.

The CHAIRMAN. Thank you, Cat.

Well, thank you very much. We've got another panel, so I would like to ask our colleagues to limit our comments to—or questions to 5 minutes for this panel, if that's agreeable.

I want to tell you that, without any question, I believe we've reached a point now where we do have to schedule a hearing on Title IX, and this Committee will pursue that with the Administration, Department of Education, and others who should come and explain to us what they're doing.

We also are going to have to hold a hearing on the Olympic Committee. And, as Donna knows, I'm chairman of the Interparliamentary Conference with China. I think we should make certain that China does not make the same mistake that's been made, as far as the actions taken by the Olympic Committee for the current year. By 2008, we ought to make sure that they include softball. I'm told men's baseball was also taken off.

Ms. DE VARONA. It was.

The CHAIRMAN. So, I—that ought to be easily remedied to—in my opinion.

Ms. DE VARONA. I doubt that.

The CHAIRMAN. Both were mistakes.

But I'm going to desist from asking questions, because I do want to hear the others. I do thank you all for your participation, and I must say to you that I'm appalled at the reaction that's taking place now in Title IX. It's sort of a replay of what went on before, though. It is just another generation saying, "Hey, wait. We need more money for men. You're taking money from men's programs." That has to be shown it's not true.

My comment to you, and all of you here in support of Title IX, is, you've got a lot of work to do, too, because I don't think there's enough talk at home and with husbands and boyfriends and fathers, and all of your friends who are women who are interested in sports, to understand the problem that exists out there. There are more women in college now, in universities, than there are men. However, there are groups of both men and women who do not intend to be involved in sports. I think we have to find some way to assure that there is access to sports participation when there's an allocation to women and men who do want to be involved, though it may vary per university. You may not agree with that. But I think the division ought to be on the basis of the people

who are going to participate in sports, and make sure that there's equality in terms of that. If there are more women than there are men going to be involved in sports, they ought to get more money. And if there are less, they should recognize that they should have less, because there are more men involved. But I do think we have to find a way to get better enforcement of what Title IX meant. And that there would be equality in terms of availability of funds for women in sports, at all levels.

And I, again, go back and honor Carol White, because she was the one that got the research done that proved what has happened since the school districts of the country abandoned physical education in kindergarten through the 12th grade. That, to me, is the worst mistake our country has ever made, and I think as we emphasize Title IX, we have to go back and emphasize the need for daily physical education for those children, particularly in the early years. Because unless they get the discipline, unless they get the understanding of how great it feels to exercise, they're not going to want to be part of your organizations as they get older.

So, I thank you, all of you, for coming. I yield to my friend here, Senator Smith.

Senator SMITH. Thank you, Chairman Stevens.

The CHAIRMAN. And, again, I congratulate your constituent, Nike, for all that they do to help us in these endeavors.

Senator SMITH. Thank you, Mr. Chairman. And thank you all for your enthusiastic testimony today and for your interest in sports for young women.

Many of you have expressed the frustration about how Title IX is implemented. I'm not sure I heard anyone say how schools are making the segregation, if you will, as to monies for men versus women. Is it on the basis of who's participating, or revenues that they make, or how is it being done, or is it done in all kinds of different formularies?

Ms. DE VARONA. Every school usually has a different formula. Most schools are not in compliance. What we've found on the commission was that—and all the Division—most of the Division I athletic directors on the commission said one of the issues of trying to have a fair resource allocation is, we've got this revenue-producing sport area over here—

Senator SMITH. Which would be basketball and football?

Ms. DE VARONA. Yes, basketball and football. And we spent so much money trying to out-recruit each other, trying to out-build stadiums for each other, trying to get the athletes, that we leave very little for the other sports. And oftentimes women's sports are sacrificed and men's sports are sacrificed. My feeling—when I asked the Division I athletic directors what they felt about this situation, because we tried to really address that—not as much as we address Title IX—but they said, “You know, we're headed for a train wreck, and there's no brakes,” because we have antitrust laws, we have all these things about employment, we have every—schools trying to compete with other. And when I did ask about, “Hey, what if we did change Title IX? What if we changed the guidelines? If we could change them to anything that's fair, that's been proven and tested by the courts, would they guarantee me that we'd put men's wrestling back and women's gymnastics back?”

And, to the athletic director, they said, “No, we couldn’t guarantee that,” because you have this profit-making arm in sports, and then you have the other sports available for men and women.

Senator SMITH. Setting aside the profit-making sports, is there any level at which just the spirit of Title IX, equal money for women’s sports and men’s sports—is it implemented fairly at any level?

Ms. DE VARONA. I think that there are some universities, like Stanford, that are—fairly provide men and women recruiting money and opportunities. But they’re very few.

Senator SMITH. But that would be the exception.

Ms. DE VARONA. And I have to be clear about revenue-producing. It doesn’t mean that these schools are profit-making.

Senator SMITH. I see.

Ms. DE VARONA. What’s happened with these Division I athletic programs is that they pour the money back into recruiting, or whatever, and they don’t always operate on a profit level. Most of them don’t. Many are in the debt of a million dollars per program, because they’re trying to out-compete each other.

Senator SMITH. Anybody else comment on that?

Ms. DE VARONA. Christine Grant will have all those numbers at the next panel.

Senator SMITH. One other topic—I hate to bring it up, but I think we need to, given its prominence in the news these days—CBS News Health Watch recently cited a very alarming trend among girls, even as young as 9 years old, in using steroids for bodybuilding and athletic performance. You know, this is a plague in men’s sports.

Ms. DE VARONA. Yes.

Senator SMITH. And I fear, from what I’ve been told in preparation for this hearing, that it’s becoming that for young women, as well.

What’s being done to stop this trend among female athletes?

Ms. DE VARONA. Well, of course, we have the United States Anti-Doping Agency, which the Senator was involved in, and the World Anti-Doping Agency, that makes two. But again, only elite athletes really are scrutinized, as far as taking illegal performance-enhancing drugs. But the whole Olympic community has signed off on testing, and that testing mirrors what’s happened internationally and required by the World Anti-Doping Agency, which the Senator was very much involved in supporting.

Where the black hole is in a lot of these things, even in the statistics of how many young high-school girls participate, is in the high-school level, because a lot of schools do not test their high-school athletes. And the truth is, not all young teenagers are taking steroids to be great athletes; they’re taking them because they want to be cut and buff and all those things. That’s, again, why it was so important, when we get back to the major league baseball, that Congress and the Senate really pushed the players and major-league baseball to come to terms with the testing program. Because if you have these role models out there getting away with it—

Senator SMITH. Yes.

Ms. DE VARONA.—kids say, “OK, we’re going to do it.”

Senator SMITH. My time’s up, but is there anybody else who would have a comment on that?

Ms. DAWES. I started getting drug tested probably when I was about 13 or 14, having made the national team, and being in a private club and competing for the United States. I think it would be important for kids that are competing in schools—if there is a problem of young kids taking steroids at the age of 9–10 to try to surpass their competitors—for a testing policy to be implemented in the school system.

The CHAIRMAN. Senator Smith?

Senator SMITH. I'm done.

The CHAIRMAN. Senator Smith? Snowe. You're Smith. Snowe. Snowe.

[Laughter.]

Senator SNOWE. You can see why I wasn't responding—

The CHAIRMAN. Senator Snowe?

Senator SNOWE.—Mr. Chairman.

I appreciate your testimony. I think it certainly sounds the alarm bells about what we need to do to ensure the full and complete enforcement and strict compliance with Title IX, as a starter. And also, regrettably, I think, too many people in this country are probably taking for granted, not—underestimating the value, forgotten its value, not appreciating what has occurred that's manifested itself in your successes at the Olympic levels. And so, perhaps many people aren't even informed about the equality that has been achieved as a direct result of Title IX enforcement, those standards in our school systems both in high school and the post-secondary level. And so, I think, first and foremost, these hearings will help to serve to spotlight that value and the endless benefits, as you have all mentioned, with inspiring stories about—both in the economic, but also from the health benefits that can be derived.

What can we do now, first and foremost, in conjunction with these hearings, what should we be doing, from a legislative standpoint or any other means, to make sure that not only we have the compliance, but what other measures should we be taking in order to buttress and reinforce Title IX so that we're not rolling backward the value and the benefits and the rights that have been derived?

Ms. DE VARONA. If you want me to answer this—

Senator SNOWE. Yes.

Ms. DE VARONA.—I think you have to look—you have—we have to have that hearing about Title IX specifically, and the clarification that Department of Education posted on the website. And also, Congress could take a look at the year-long study we did, and both the majority report and the minority report that was issued, as it relates to Title IX and opportunities in athletes. I think the Senator mentioned—Senator Stevens—that we have to bring in the U.S. Olympic Committee and look what they're doing to promote women's sports and women in leadership positions.

As one who comes from broadcasting, I feel that there's—while we are dancers on the stage at the Olympics, and because women participate in the games in such a spectacular way and have forced the rights fees up to billions of dollars, still the ones that are making the decision about what airs, and when, are mostly men that have been in the business for 35 years, that often carry, you know, traditional attitudes. I mean, look at the Super Bowl. We're going

to have a Super Bowl, but FOX is going to run some kind of game with scantily clad women to compete with the halftime entertainment; rather than, you know, let's do a whole show on the great Olympians who are going to compete in Turin. So, I—you know, there's a broad—we have to attack it. We really do.

And I think, also, get physical education back in school and make it exciting. That's mandatory. And get the sugar out of the classroom. And let's have healthy meals. I mean, we really are headed for a disaster, health-wise. And our young—young children aren't going to live as long as we do, because of what's happening. And our young women are barraged with these images of how they have to look—thin, pretty, and skinny—to survive—or to thrive. So, I don't know how you change all of society, but I think it can start in the classroom and where we have some leverage and some influence.

Senator SNOWE. Anyone else cares to respond to that?

Ms. DAWES. Well, I would ask that—number one, in addressing the issue of Title IX, is enforcing Title IX and addressing the issue with the clarification. But I would also ask that, because there is such a low percentage of college—universities that are in compliance with Title IX that someone needs to step in and make sure that they're actually—not only being reprimanded, but that funding is taken away from them—something other than words. Are there actions being taken if they're not in compliance with Title IX?

Senator SNOWE. Do we have accurate information regarding compliance, at the post-secondary level, or do we have—in the high-school level? I know that is a problem. I'm introducing—

Ms. DE VARONA. Yes.

Senator SNOWE.—a bill again on that question—

Ms. DE VARONA. Yes, we don't—

Senator SNOWE.—of collection.

Ms. DE VARONA.—enough in the high-school level.

Ms. DAWES. Not in the high-school level, but—

Senator SNOWE. You have nothing—

Ms. DAWES.—the universities—

Senator SNOWE.—in the high schools. Do you have accurate, up-to-date information with respect to post-secondary education, in the college level?

Ms. DE VARONA. Christine Grant, in the next panel, is—

Senator SNOWE. She will.

Ms. DE VARONA.—going to—

Senator SNOWE. Yes.

Ms. DE VARONA.—address that.

Senator SNOWE. OK. And that—I'm intending to address the high-school level.

Ms. DE VARONA. Good.

Senator SNOWE. Because, obviously, that is a serious omission.

Ms. DE VARONA. Right. Right.

Senator SNOWE. And that begins the process that speaks to the health issues and the benefits—

Ms. DE VARONA. Yes.

Senator SNOWE.—and the physical education. And I think we ought to use Title IX to promote the benefits and what it means. Because, obviously, that is something that has really been left un-

said, all of the multidimensional benefits that are derived from Title IX. And perhaps we should use that as the platform to elevate all these other issues, to expose them and how it can serve not only to build the athletic skills and the positive spirit that is obviously a result of all of that, but also the health questions on obesity or reducing unwanted pregnancies or breast cancer.

Ms. DE VARONA. Osteoporosis.

Senator SNOWE. Osteoporosis, drug dependency.

Ms. DE VARONA. Right.

Senator SNOWE. I think we know that the list goes on.

Ms. DE VARONA. Yes.

Senator SNOWE. And so, it's opportunities in all those arenas that we really have to promote and praise and make sure that people realize what this is all about.

I thank you all.

Dr. RICHARDSON. May I—

Senator SNOWE. Yes—

Dr. RICHARDSON.—make a comment—

Senator SNOWE.—Dr. Richardson?

Dr. RICHARDSON.—Senator?

Senator SNOWE. Yes.

Dr. RICHARDSON. Statistics are showing that our Nation's poor eating habits and sedentary lifestyle choices are killing thousands of Americans every day. And money always seems to talk. So, if you look at the money values between obesity, the cost of obesity and Type 2 diabetes, which are correlated with sedentary lifestyle and poor eating habits, \$250 billion a year—

Senator SNOWE. Good point.

Dr. RICHARDSON.—are spent.

Senator SNOWE. That's an excellent point. And you think about juvenile diabetes.

Dr. RICHARDSON. Right.

Senator SNOWE. I mean—

Dr. RICHARDSON. Younger—

Senator SNOWE.—now Maine is right up there. And one of—

Dr. RICHARDSON. But imagine—I'm sorry to interrupt, but imagine seeing teenage girls that are getting Type 2 diabetes. Teenagers. I mean, it's hitting our Nation at younger and younger age groups because of the choices that we all have made with regard to physical activity.

Senator SNOWE. Outstanding point, and so true, because it's a crisis, and one we have to recognize and the pivotal role that Title IX can play. Thank you all very much.

Thank you.

Ms. DE VARONA. Thank you. I would just like to recommend that all our long-form testimonies be submitted, be accepted for the record.

The CHAIRMAN. All of the statements that we—have been presented—and the next panel, too—will be printed in the record—

Ms. DE VARONA. Thank you.

The CHAIRMAN.—as though read.

Senator Dorgan? And Senator Dorgan has made a request that Lynette Mund come first in the next panel. We'd be happy to accommodate you.

**STATEMENT OF HON. BYRON L. DORGAN,
U.S. SENATOR FROM NORTH DAKOTA**

Senator DORGAN. Mr. Chairman, I've—with Senator McCain down the hall—have been at another hearing, so I regret I missed part of the testimony.

I also, because Senator Inouye cannot be here—he was intending to be here—I want to do something that he was going to do, and that is to recognize Cathy McCullough, our counsel on the Consumer Affairs and Trade Subcommittees. Today is her last day with us, and she's been a talented and very committed counsel for this Committee for 3 years.

So, Cathy, would you stand? And thank you.

[Applause.]

Senator DORGAN. We very much appreciate her work.

I—let me just say something about our chairman. He struts around the Senate from time to time in an Incredible Hulk tie—

[Laughter.]

Senator DORGAN.—but all of us know he is no Olympic athlete. However, he has focused on the Olympics, as a member of the U.S. Senate, in a very specific way, in a very productive way, and I think the Senate has benefited by that. And I think those of you who have testified—Donna, especially you—understand the contribution he's made in these areas. And so, I appreciate that.

I want to say that—I won't ask a question, because we want to get on to the other panelists, but I want to say that I've—I think I've watched all of you in competition, and I'm enormously inspired by that. And thank you for being here.

And let me say one other thing. I see Billie Jean King is here. Some many, many years ago, when I played a lot of tennis, I played Bobby Riggs.

[Laughter.]

Senator DORGAN. And did so with great expectations and was so soundly beaten. And then, about 3 years following that, I watched, on national TV, as Billie Jean King beat his clock. I mean, that was unbelievable. And I say that because I think as I look at all the athletics over the years, and events and things, I watched—Billie Jean, I watched you when it was kind of obnoxious from time to time to be pushing and fighting against the tide for women's sports. And you did it. And, boy, you deserve a lot of credit for it, and I'm really pleased to see you here.

[Applause.]

Senator DORGAN. And in tennis, sometimes when you can't beat someone, but someone else can, and you can beat that someone else, you call it an "indirect win."

[Laughter.]

Senator DORGAN. So, I'm going to claim an indirect over Bobby Riggs.

[Laughter.]

Senator DORGAN. Anyway, I—let me just say this, finally. Title IX is very important. And I, from time to time, have people who really don't like government and say to me, "I hate government, hate regulations. I hate all these things. Hate government interference." And I always say, "Well, let me ask about the interference of Title IX. Do you really hate the interference of Title IX?" I think

that was one of the most constructive pieces of interference the Federal Government ever did, to say to schools across this country, "You can't keep doing what you're doing, saying to young boys, 'Have a good time. We've got teams for you. Play basketball. Play all these sports. And good for you. We love you. You're going to be the toast of the community. And you young girls, sorry, tough luck. Athletics aren't for girls.'"

Federal Government said, in Title IX, you can't do that anymore. That's government interference. And God bless those that—I wasn't here at the time, but God bless those who decided to have that kind of interference to say you can't treat young girls like that. And I think because of that interference, because of Title IX, we see a much different country, much better opportunities, greater opportunities in athletics and other areas. And I think there is a problem from time to time of slow erosion, like the sands on a beach. And we need to take a look at Title IX. What's the enforcement? What's happening? What can we do to make sure that the intent of Title IX continues to exist for the next generation, as well?

So, let me again just say, I'm inspired to have all of you here, and have been inspired to watch you. And I'm one voice who will join our chairman and others on this Committee who want to see that we make sure Title IX exists in the long term, enforced and strong, to do what we want for this country.

Thank you very much.

The CHAIRMAN. We thank you all. We'll turn to the next panel. I do want to thank you all for coming. And, Jennie, you're going to have to tell us what you bring into the world. OK?

Ms. FINCH. OK. It's a boy.

The CHAIRMAN. Oh, good. Thank you very much.

[Laughter.]

The CHAIRMAN. Our next panelists are Dr. Christine Grant, associate professor at the University of Iowa, the Department of Health and Sport Studies of Iowa; Judith Sweet, the senior vice president for Championships and Education, National Collegiate Athletic Association; Tara Erickson is the head of the Women's—Head Women's Soccer Coach, University of Oregon; and Lynette Mund is the girl's varsity basketball coach at West Fargo High School, in Fargo, North Dakota.

And it is my intention now to yield the chair to my friend Senator Smith, who has been involved in these matters. I will be able to stay, but not for the full time.

We do—if you agree, we have agreed that Lynette would go forward first.

Senator DORGAN. Mr. Chairman, I might inquire of Senator Smith, would you mind if I just make a comment about Ms. Mund, just for a moment?

Lynette Mund is here from North Dakota, and I had asked that she be included in the witness list. She is a young woman that is a great story. She grew up in a very small town, just hundreds of people in that town, and became a standout basketball player, and then played on a Division II championship team three times in a row, three Division II championships in women's basketball, an extraordinary basketball player and a part of an extraordinary team story, but now is an English teacher and a coach for women's bas-

ketball in West Fargo, North Dakota. And I really appreciate her coming to Washington, D.C.

Ms. Mund, thank you for being here.

Ms. MUND. Thank you.

Senator SMITH [presiding]. Ms. Mund, we'll start with you.

**STATEMENT OF LYNETTE MUND, TEACHER/HEAD GIRLS
BASKETBALL COACH, WEST FARGO HIGH SCHOOL**

Ms. MUND. Good morning, Chairman Stevens and Members of the Committee. On behalf of the State of North Dakota, I would like to thank the Commerce Committee for hearing my testimony.

My name is Lynette Mund, and I am a teacher and head girls basketball coach at West Fargo High School, in West Fargo, North Dakota. I am here today to testify to the importance of women's athletics and the struggles of providing athletic opportunities for young girls in rural communities. I will also discuss what I am doing to encourage more young girls to participate in sports in North Dakota.

Girls and women have been involved in athletics—being involved in athletics has been a long-discussed issue. Many questions have been asked, such as, “Can girls’ bodies handle it? Are they mentally tough enough? And does it really make a difference in a girl’s life?” I am here as evidence that the answers to the previous questions are all yes. The fact that I am in Washington, D.C., testifying in front of the U.S. Senate Commerce Committee shows what a difference sports can make in a girl’s life. Twenty years ago, I was a 12-year-old girl who was milking cows on my parents’ dairy farm in rural North Dakota, and now I am here in our Nation’s capital with some of the most influential people in our country listening to what I have to say. I have always loved sports, but I had no idea where they would take me and the confidence they would give me.

At age 13, I was a skinny 8th grader who was stepping out on the basketball court to start my first varsity game. And by age 23, I was a three-time Division II national champion, a college graduate from North Dakota State University who had the confidence to leave North Dakota to move to the “big city” of St. Louis, Missouri.

However, while I was in St. Louis, I always had a desire to move back to North Dakota and give back part of what I’d been given. That opportunity presented itself when I was offered the head girls basketball coaching position at West Fargo High School. Being back in North Dakota not only afforded me the chance to work with female athletes in West Fargo, but I was able to continue working with young girls back near my hometown of Milnor, North Dakota, population 700.

As I stated earlier, I grew up on a dairy farm. I was a relatively naive young lady without much self-confidence. I had always dreamed of going to college, but I knew it would not be available—affordable without a college scholarship. I remember standing out in the milk barn and hearing on the radio that a local female basketball star, Pat Smykowski, had gotten a college scholarship to play basketball. And right then and there, I knew that I wanted—that’s what I wanted to do. Thankfully, due to the efforts of many great women before me, the chance to participate in college ath-

letics was available, something my mother and many women from her generation never had an opportunity to do.

My mom used to talk about wanting to play sports, but not having the chance to compete. I sometimes sit and wonder how different my life would be without athletics. I wonder if I would have had the money to attend college, if I would have had the confidence to move away from my home State, and if I would have had the nerve to fly to Washington, D.C., and speak in front of U.S. Senators. However, all these happened—these things happened because I participated in athletics. As a result, I want to inform and inspire other young girls from rural North Dakota.

One of the biggest challenges in rural North Dakota is that there are very few opportunities for athletics to improve—athletes to improve their skills. That is why, over the last 12 years, I have offered over 40 basketball camps in North Dakota and Minnesota. I am proud to have given over 800 young women the opportunity to participate in their first basketball camp. For many of these young girls, my camps are the only exposure they have to an athletic camp for the whole year. Over the years, I've had the chance to see some of my former campers continue their careers in high-school athletics, some of whom I've actually had to coach against. However, it was always worth it to see how far these young ladies have come and the confidence they now carry.

At the time they attended camp, you should have seen their eyes when I told them they could have the chance to play in high school or college someday. Some of these girls did not even realize this was an option for them. By exposing these young girls to athletics at an early age, it allows them to see that sports is an option.

This is relevant to the future of women's athletics, because equal access to sports in college only works if girls have the opportunity to get involved in athletics at an early age.

Getting these young ladies involved is even more evident when I look at athletic participation numbers for girls in North Dakota. According to figures from the 2004–2005 North Dakota High School Activities Association, females made up 49 percent of the student population in North Dakota; however, only 40 percent of the student athletes were females. It is one of my goals to bring this number closer to 49 percent. This is important to me, because I have firsthand knowledge of how athletics can have a positive effect on a young woman.

I have been very fortunate to coach camps along with the high-school basketball team. This year, I have three seniors at West Fargo who will be receiving athletic scholarships and playing college basketball next fall. I've had the chance to watch these young ladies grow and mature since their freshman year. They exude a confidence that was not there 3 years ago. They know they have the ability to do whatever they want in life, and the self-assurance that they will be successful.

By providing my basketball camps and coaching high-school basketball, I hope that other young girls from my home State realize that there are many opportunities to participate in athletics. And even a young girl from a town of less than 1,000 people can be a national champion, college graduate, and a competent professional.

Thank you very much for your time.

[The prepared statement of Ms. Mund follows:]

PREPARED STATEMENT OF LYNETTE MUND, TEACHER/HEAD GIRLS BASKETBALL
COACH, WEST FARGO HIGH SCHOOL

Good morning, Chairman Stevens, Senator Inouye and Members of the Committee. On behalf of the state of North Dakota, I would like to thank the Commerce Committee for hearing my testimony.

My name is Lynette Mund and I am a teacher and head girls basketball coach at West Fargo High School in West Fargo, North Dakota. I am here today to testify to the importance of women's athletics and the struggles of providing athletic opportunities to young girls in rural communities. I will also discuss what I am doing to encourage more young girls to participate in sports in North Dakota.

Girls and women being involved in athletics has been a long discussed issue. Many questions have been asked, such as "Can girls' bodies handle it?" "Are girls mentally tough enough?" "Does it really make a difference in a girl's life?" I am here as evidence that the answers to the previous questions are all "Yes". The fact that I am in Washington D.C. testifying in front of the U.S. Senate Commerce Committee shows what a difference sports can make in a girl's life. Twenty years ago, I was a 12 year-old girl who was milking cows on my parent's dairy farm in rural North Dakota, and now I am here in our Nation's capital with some of the most influential people in our country listening to what I have to say. I have always loved sports, but I had no idea where they would take me and the confidence they would give me.

At age 13, I was a skinny 8th grader who was stepping out on the basketball court to start my first varsity game, and by age 23, I was a 3-time NCAA Division II National Champion and a college graduate from North Dakota State University who had the confidence to leave North Dakota and move to the "big city" of St. Louis, Missouri. However, while I was in St. Louis, I always had a desire to move back to North Dakota and give back part of what I had been given. That opportunity presented itself when I was offered the head girls basketball coaching position at West Fargo High School. Being back in North Dakota not only afforded me the chance to work with female athletes in West Fargo, but I was also able to continue working with young girls back near my hometown of Milnor, North Dakota which has a population of 700 people.

As I stated earlier, I grew up on a dairy farm. I was a relatively naïve young lady without much self-confidence. I had always dreamed of going to college, but I knew it would not be affordable without a college scholarship. I remember standing out in the milk barn and hearing on the radio that a local basketball star, Pat Smykowski, had gotten a college scholarship to play basketball, and right then and there I knew that was what I wanted to do. Thankfully, due to the efforts of many great women before me, the chance to participate in college athletics was available; something my mother and many women from her generation never had an opportunity to do. My mom used to talk about wanting to play sports but not having the chance to compete. I sometimes sit and wonder how different my life would be without athletics. I wonder if I would have had the money to attend college, if I would have had the confidence to move away from my home state, and if I would have had the nerve to fly to Washington D.C. all by myself and speak in front of U.S. Senators. However, all of these things happened because I participated in athletics. As a result, I want to inform and inspire other young girls from rural North Dakota.

One of the biggest challenges in rural North Dakota is that there are very few opportunities for athletes to improve their skills. That is why over the last 12 years, I have offered over 40 basketball camps in North Dakota and Minnesota. I am proud to have given over 800 young women the opportunity to participate in their first basketball camp. For many of these young girls, my camps are the only exposure they will have to an athletic camp for the whole year. Over the years, I have had the chance to see some of my former campers continue their careers in high school athletics, some of whom I have actually had to coach against! However, it was always worth it to see how far these young ladies have come and the confidence they now carry. At the time they attended camp, you should have seen their eyes when I told them they could have the chance to play in high school or college someday. Some of these girls did not even realize this was an option for them. By exposing these young girls to athletics at an early age, it allows them to see that sports is an option. This is relevant to the future of women's athletics because equal access to sports in college only works if girls have the opportunity to get involved in athletics at an early age.

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I have been very fortunate to coach camps along with a high school basketball team. This year, I have 3 seniors at West Fargo who will be receiving athletic scholarships and playing college basketball next fall. I have had the chance to watch these young ladies grow and mature since their freshman year. They exude a confidence that was not there 3 years ago. They know they have the ability to do whatever they want in life and the self-assurance they will be successful.

By providing my basketball camps and coaching high school basketball, I hope that other young girls from my home state realize that there are many opportunities to participate in athletics, and even a young girl from a town of less than 1000 people can be a National Champion, a college graduate, and a successful, confident professional.

Thank you very much for your time.

Senator SMITH. We'll next hear from Tara Erickson. As I mentioned before, she is the women's soccer coach, University of Oregon, and just the second head coach at that university in history. So, we're making progress.

Ms. ERICKSON. We are making progress, thank you.

**STATEMENT OF TARA ERICKSON, HEAD WOMEN'S SOCCER
COACH, UNIVERSITY OF OREGON**

Ms. ERICKSON. Good morning, Chairman Stevens and Members of the Committee. My name is Tara Erickson, like you said, and I'm the head coach of the women's soccer team at the University of Oregon.

As such, I want to say a special thank you to you, Senator Smith, who has shown great support for the university and who has been a strong leader on the issue we're discussing today: promotion and advancement of women in sports.

Senator Smith, you should know that I spent a lot of time in your State as a kid. I grew up in nearby Puyallup, Washington, and played soccer pretty much all my life. I was fortunate enough to earn a scholarship to the University of Washington and play for Lesle Gallimore, the woman who helped guide my career. I earned a bachelor's degree in communications, but my first love remains soccer.

When I graduated, there were more opportunities for me to play professional soccer in Europe than there were in the United States. I still love playing, and I played in Germany for a year, but I wanted to come home to the Pacific Northwest.

Coach Gallimore, at UW, convinced me to consider a career in coaching. I earned a position on their staff, and once again Coach Gallimore became my mentor. I went on to my own head-coaching job at Portland State, and now I'm at the University of Oregon.

As a coach, I have been very fortunate to share my love of sport with my athletes. Coaching is a gift, and I do not take this blessing lightly. Players that I have coached have gone on to become productive members of our community, and I hope to have also become—I hope they also become ambassadors of opportunity and fair play. As a coach, I strive to always give as much on the side-

lines as I did as a player. The kids deserve that, as does the institution I represent.

But sometimes fair play and opportunity need an extra push, and that's why I'm a huge supporter of Title IX. This important civil-rights law has helped establish a level of fairness and equity in athletics. The law's impact, however, has extended far beyond the classroom and the athletic fields. It has created an entire generation of mentors who work with young girls and young boys. It has nurtured interest in sports to the point where the athletes sitting with me this morning have become the pride of our Nation and the envy of the rest of the world.

It has created economic opportunities and job security for people like me. Soccer may be played today by younger women, like the amazing Cat Reddick, who we heard from earlier, but I'm still earning a living working with the game I love so much.

Most importantly, it helps parents teach a simple, yet powerful, lesson to children, a lesson I will very soon teach my adorable baby boy, Maklain: When it comes to sports, everyone deserves a chance to play.

We know sports have a positive impact on girls' lives. Studies show that girls who participate in sports are less likely to smoke or use drugs, they perform better in the classroom. Just this November, our team honored our first-ever Academic All American, Caitlin Gamble. I'm proud to know that, as a coach and mentor, I can help young women in this way.

I'm also very proud to be a part of the University of Oregon. The university does a great job of making sure the opportunities we provide our male athletes are mirrored by the opportunities we provide our young women. They do more than simply follow the letter of the law; they embrace its spirit.

Without Title IX, we don't know if there would be a women's soccer coach at Oregon or Portland State or Washington or anywhere else. I can't imagine what my life would be like without the opportunities I've had.

Playing college athletics was one of the best experiences of my life, but it's even better for young women today. I love to share the experiences of what sports meant to me as an athlete in high school and the University of Washington. I can see the excitement in the eyes of the young athletes as you realize you're connecting with them, thanks in no small part to the fact that our soccer program was recently awarded two more scholarships. I feel the joy of knowing that an opportunity awaits a young girl who has worked so hard to get to this point. And I always—I also appreciate that it always hasn't been like this.

I cannot begin to tell you how proud I am that the young athletes here this morning are choosing to speak out in support of opportunities for girls and women in sport. It's easy to look at the progress we've made and say we don't need Title IX anymore, but we can't look back. We must make sure the generations of mentors don't stop with the incredible athletes, the wonderful young women here today. Please fight to give young girls the opportunity to excel in anything they choose. Please fight to have them—please fight to help them have confidence and purpose, help them choose to par-

ticipate, help them be athletes, help them be mentors, help them be strong.

So, I thank you very much for giving me the opportunity to speak with you all today. I want to thank Senator Smith for being such a strong leader on civil-rights issues. I share the pride that we all have in women who have joined us. I know the title of the hearing is “Promotion and Advancement of Women in Sports,” but you must know that Title IX made this hearing and my testimony possible.

Senators my message is simple. Please fight to keep Title IX strong.

Thank you.

[The prepared statement of Ms. Erickson follows:]

PREPARED STATEMENT OF TARA ERICKSON, HEAD WOMEN’S SOCCER COACH,
UNIVERSITY OF OREGON

Good morning Chairman Stevens, Senator Inouye, and Members of the Committee. My name is Tara Erickson, and I am the head coach of the women’s soccer team at the University of Oregon. As such, I want to say a special thank you to Senator Smith, who has shown such great support for the University and who has been a strong leader on the issue we’re discussing today: Promotion and advancement of women in sports.

Senator Smith you should know that I spent a lot time in your state as a kid, but I grew up in nearby Puyallup, Washington, and played soccer in high school. I was fortunate enough to earn a scholarship to the University of Washington and play for Lesle Gallimore, the woman who helped guide my career. I earned a bachelor’s degree in communications, but my first love remained soccer. When I graduated, there were more opportunities for me to play professional soccer in Europe than there were in the United States. I still loved playing, and I played in Germany for a year, but I wanted to come home to the Pacific Northwest.

Coach Gallimore at UW convinced me to consider a career in coaching. I earned a position on her staff, and once again Coach Gallimore became my mentor. I went on to my own head coaching job at Portland State, and now I’m at the University of Oregon. As a coach, I have been very fortunate to share my love of sport with my teammates. Coaching is a gift, and I do not take this blessing lightly. Players that I have coached have gone on to become productive members of our community, and I hope have also become ambassadors of opportunity and fair play. As a coach, I strive to always give as much on the sidelines as I did as a player. The kids deserve that, as does the institution I represent.

But sometimes fair play and opportunity need an extra push and that’s why I am a huge supporter of Title IX. This important civil rights law has helped establish a level of fairness and equity in athletics. The law’s impact, however, has extended far beyond the classrooms and the athletic fields. It has created an entire generation of mentors who work with young girls—and young boys. It has nurtured interest in sports to the point where the athletes sitting with me this morning have become the pride of our Nation and the envy of the rest of the world. It has created economic opportunities and job security for people like me—soccer may be played today by younger women like the amazing Cat Reddick, but I’m still earning a living working with the game I love so much. Most importantly, it helps parents teach a simple yet powerful lesson to children—a lesson I will soon teach my adorable baby boy, Maklain: when it comes to sports, EVERYONE deserves a chance to play.

We know sports have a positive impact on girls’ lives. Studies show that girls who participate in sports are less likely to smoke or use drugs. They perform better in the classroom. Just this past November our team honored Caitlin Gamble, a midfielder and the first Academic All-American in our program’s history. They have fewer health problems later in life. They learn how to work with teammates and can develop a feeling of confidence and a sense of purpose. I’m proud to know that as a coach and a mentor, I can help young women in this way.

I am so very proud to be part of the University of Oregon. The University does a great job making sure the opportunities we provide our male athletes are mirrored by the opportunities we provide our young women. They do more than simply follow the letter of the law; they embrace its spirit. Without Title IX, we don’t know if there would be a women’s soccer coach at Oregon, or Portland State, or Washington,

or anywhere else. I can't imagine what my life would be like without the opportunities I had.

One of the things I enjoy most about my job at the University of Oregon is speaking with women and girls who visit us. Playing college athletics was one of the best experiences of my life, but it's even better for young women today. I love to share the experiences of what sports meant to me as an athlete in high school and at the University of Washington. I can see the excitement in the eyes of young athletes as you realize you're connecting with them. I can see the pride in the faces of their mothers as they think about the first-rate education their daughters can obtain here. Thanks in no small part to the fact that our soccer program was awarded two more scholarships, I feel the joy of knowing that an opportunity awaits that young girl who has worked so hard to get to this point. And I also appreciate that it wasn't always like this. If we lower the threshold for compliance with Title IX, those young women will still have the athleticism but may not have the opportunity. It's that simple.

I cannot begin to tell you how proud I am that the young athletes here this morning are choosing to speak out in support of opportunities for girls and women in sport. It's easy to look at the progress we've made and say we don't need Title IX anymore. But we can't look back. We must make sure the generations of mentors don't stop with the incredible athletes—the wonderful young women—here today. Please fight to give young girls the opportunity to excel in anything they choose. Please fight to help them have confidence and purpose. Help them choose to participate. Help them be athletes. Help them be mentors. Help them be strong.

If you keep Title IX strong, you won't be alone. Companies like Nike have helped support women's sports at every level. Specifically, Nike helps raise visibility and awareness of women's sports so the youngsters who play sports have role models to follow and dreams to pursue. In addition to its support for women's professional athletes, the company sponsored its first-annual Nike Women's Marathon in San Francisco in October 2004 in celebration of the 20th anniversary of women's first participation in the Olympic Games marathon.

So I thank you very much for giving me the opportunity to speak with you this morning. I want to thank Senator Smith again for being such a stalwart leader on civil rights issues. I share the pride that we all have in the young women who have joined us. I know the title of the hearing is the promotion and advancement of women in sports, but you must know that Title IX made this hearing and my testimony possible. And like these amazing women, please fight to keep Title IX strong.

Senator SMITH. We will, Tara. Thank you.

Ms. ERICKSON. Thank you.

Senator SMITH. We'll next hear from Judith Sweet. She is former NCAA president and long-time director of athletics at the University of California, San Diego. In 1991, she became the first, and only, female to serve as the NCAA president, the association's highest membership post.

Judith?

**STATEMENT OF JUDITH M. SWEET, SENIOR VICE PRESIDENT,
CHAMPIONSHIPS AND EDUCATION SERVICES, NATIONAL
COLLEGIATE ATHLETIC ASSOCIATION**

Ms. SWEET. Thank you, Senator Smith.

Chairman Stevens, Senator Smith, and other distinguished Members of the Committee, and staff, thank you for inviting me to appear before you today. I also want to thank the Olympians, who you heard from previously, who have served as such outstanding role models, mentors, and leaders for girls and women in sport.

I am Judith Sweet, and I currently serve as NCAA's senior vice president for championships and education services. I know what it's like to be on the wrong side of opportunity. I loved and played sports all of my life, but I never had an opportunity to play on a high-school team or a college team, not because of lack of skill or

lack of interest or lack of enthusiasm, but there simply were no teams for me to play on. I was labeled a tomboy.

During my 30-year tenure in the field of intercollegiate athletics, I have worked extensively on matters involving the growth of opportunities and advancement of both men and women in athletics. Through my work, I have seen firsthand the commitment of the NCAA and many universities to promote equity and, consequently, the resulting strides which have been made in the pursuit of gender equity on campuses and NCAA programs. I'm pleased with the progress, excited about the future, but wary of efforts to undo more than 3 decades of work.

Thirty-four years ago, when Title IX first became law, there were no NCAA championships for women, there were no college athletic scholarships to speak of for women, and there were few opportunities for competition. The athletics opportunities for women were few, and the prospects for growth were dismal.

According to a 1971-72 survey of NCAA member institutions, only 30,000 women were participating in sports and recreation programs, compared to over 170,000 men, more than five times as many men as women. What a difference 34 years and legislative impetus make. Throughout 2006, the NCAA is celebrating its centennial and the 25th anniversary of NCAA women's championships. Today, nearly 160,000 women are competing in sports at NCAA member institutions. As new opportunities for girls and women have been made available at the high-school and college levels, participation has escalated. The NCAA now offers 88 championships in 23 sports for men and women. Forty-four of those championships are for women in 20 sports, and there are three co-educational championships. Growing interest has sparked the creation of additional NCAA championships since the 26 it first offered in 1981. In 1982, the women's Final Four drew just over 9,000 fans. In 2005, the women's Final Four drew a sellout crowd of over 28,000, just 1,000 less than the total number of women participating in college sports 34 years ago.

The results of Federal law and the hard work of campus leaders have been impressive over the last 34 years, but there is much work still to be done. Although women comprise 54 percent of the undergraduate student population at NCAA member schools, on average, they represent only 43 percent of the participating student athletes, receive only 38 percent of the operating dollars, and have only 33 percent of the recruiting budgets. The bottom line is, women are still the underrepresented gender in college sports, and less funding is devoted to the support of women's programs.

In the years since it began sponsoring NCAA championships, the NCAA has taken a progressively more active role in assisting its members with gender-equity matters. In a perfect world, Title IX would not be necessary. There would be resources and will enough to do the right thing and meet everyone's needs. Even with more than 30 years of experience and the examples of the several hundred thousand female student athletes who have benefited from increased athletics participation for women, threats to the future of Title IX remain.

The most recent, and one of the most pernicious, examples is the so-called additional clarification letter of 2005 issued by the De-

partment of Education without prior announcement or opportunity for public comment. The additional clarification now allows institutions of higher education to rely solely on an Internet-based survey to measure interest in athletics among their students.

A week ago, I had an opportunity to address 90 former college students who have had a significant interest in sports, men and women, just 1 or 2 years away from their college experience, and I asked them the question, "How many of you respond to Internet surveys?" Not one hand went up. Notoriously unreliable as valid instruments for measurement, these e-mail surveys would interpret a nonresponse the same as a "no" response; that is, as an indication that there is no interest in additional sports opportunities.

This approach is contrary to the intent of Title IX itself, and appears to be designed to enable schools to show that females are not interested in participation, as opposed to the previous 1996 clarification, which allowed for surveys, but only as one of multiple components, as an assessment of interest.

The effect of this recent survey approach potentially would be to freeze participation opportunities at their current level, or worse, to roll back the progress made over the last 34 years. NCAA president, Myles Brand, and the NCAA executive committee comprised of university presidents from throughout the country, have notified the Department of Education of their deep concerns about the flaws in the additional clarification, and have asked that it be withdrawn, as has the Knight Commission on Athletics and the National Coalition of Women and Girls in Education, which consists of 50 organizations dedicated to keeping Title IX strong.

The Department of Education reaffirmed the 1996 clarification in 2003, and should not be allowed to lessen that commitment now. I am proud of how far we have come, but, as successful as this important Federal legislation has been, those who value fair, equitable treatment must remain vigilant to any, and all, threats that would undermine future progress.

Thank you for the opportunity to appear before you today.

[The prepared statement of Ms. Sweet follows:]

PREPARED STATEMENT OF JUDITH M. SWEET, SENIOR VICE PRESIDENT,
CHAMPIONSHIPS AND EDUCATION SERVICES, NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION

Chairman Stevens, Ranking Member Inouye and other distinguished Members of the Committee, on behalf of the National Collegiate Athletic Association (NCAA), thank you for inviting me to appear before you today to discuss the advancement of women in athletics.

I am Judith Sweet, and I currently serve as NCAA Senior Vice President for Championships and Education Services. I have been involved in intercollegiate athletics and higher education for more than 30 years as an athletic administrator, academician and in leadership roles within the NCAA. During my tenure in the field of intercollegiate athletics, I have worked extensively on matters involving the growth of opportunities and advancement of both men and women in athletics. The gap in opportunities and support remains greater for women and thus more needs to be done to ensure parity. Through my work, I have seen first-hand the commitment of the NCAA and many universities to promote equity and consequently the resulting strides which have been made in the pursuit of gender equity on campuses and NCAA programs. I am pleased with the progress, excited about the future, but wary of efforts to undo more than three decades of work.

That Was Then

Thirty-four years ago, when Title IX first became law, there were no NCAA championships for women. There were no college athletics scholarships to speak of for women and there were few opportunities for competition. There was virtually no media coverage of the few competitive opportunities that did exist and certainly no television coverage. It was rare for newsstand publications to carry any type of article about a female athlete, and there were no publications devoted to women's sports. The star athletes in college sports were often household names, but none of them was a woman. The female athlete as a role model was virtually unheard of. A young boy wouldn't be caught dead wearing a jersey with a woman's name on the back, even if they had existed.

The athletics opportunities for women were few; and the prospects for growth were dismal. According to a 1971–72 survey of NCAA member institutions, only 29,977 women were participating in sports and recreation programs, compared to 170,384 men—more than five times as many men as women. With numbers like that, it would be fair to wonder why college women would show any interest at all in athletics.

This Is Now

What a difference 34 years and legislative impetus make. Throughout 2006, the NCAA is celebrating its centennial and the 25th anniversary of NCAA women's championships. Today, nearly 160,000 women are competing in sports at NCAA member institutions. As new opportunities for girls and women have been made available at the high school and college levels, participation has escalated. The NCAA offers 88 championships in 23 sports for men and women. Forty-four of those championships in 20 sports are exclusively for women and there are three co-educational championships. Growing interest has sparked the creation of additional NCAA championships since the 26 it first offered in 1981. The NCAA added women's rowing to the championships ranks in 1996, followed by women's ice hockey and women's water polo in 2001 and women's bowling in 2003.

In 1982 the Women's Final Four drew 9,531 fans. In 2005, the Women's Final Four at the RCA Dome in Indianapolis drew a sellout crowd of 28,937—just a thousand less than the total number of women participating in college sports 34 years earlier. It was the third time the Women's Final Four had appeared in a dome, but it was the 15th consecutive sellout in Women's Final Four history. Almost 700 media credentials were issued, and television covered the event from selection Sunday through the final buzzer.

According to a recent membership survey, women now account for 43 percent of the participants in intercollegiate athletics and receive about 45 percent of the scholarship dollars.

Female athletes such as Dominique Dawes, Jennie Finch, Cat Reddick and Julie Foudy have, in fact, become household names in their own right. Elite female athletes play professional basketball in the WNBA. The women's teams from the United States are expected to bring home a sizeable haul of medals in most sports in every Olympics, and young girls—and boys—proudly wore Mia Hamm's No. 9 at the 1999 Women's World Cup and during the last two Olympics.

While mainstream media still devotes much more attention to men's sports, the average bookstore now includes magazines and books highlighting the accomplishments of women in sports. Most of the student-athletes—female or male—competing in NCAA championships probably don't think twice about the NCAA offering championships for women and are unaware of how opportunities for women have changed over the last three decades.

Clearly, Title IX has promoted opportunities for female athletes over the last 30 years.

More Work Remains

In its charge to the Commission on Opportunity in Athletics in 2001, the Department of Education acknowledged that extraordinary progress has resulted from the passage of Title IX. While I would like to think that this change would have taken place without Title IX because it was the right thing to do, the fact is that opportunities and support for girls and women in athletics are still not equitable with those provided for men, even though it is more than 30 years since the law was passed.

The results of Federal law and the hard work of campus leaders have been impressive over the last 34 years, but there is much work still to be done to ensure that men and women who attend NCAA member schools have equitable access to athletics participation and receive related support. Although women comprise 54 percent of the undergraduate student population at NCAA member schools on average, they represent only 43 percent of the participating student-athletes, receive

only 38 percent of the operating dollars and have only 33 percent of the recruiting budgets.

The bottom line is: Women are still the underrepresented gender in college sports and less funding is devoted to the support of women's programs.

In the years since it began sponsoring NCAA championships, the NCAA has taken a progressively more active role in assisting its members with gender-equity matters. In 1992, after publication of the first NCAA Gender-Equity Study, the NCAA executive director established a gender-equity task force and charged it with determining ways in which the NCAA could assist institutions in achieving gender equity, examining NCAA policies to evaluate their impact on gender equity and recommending a path toward measuring and realizing gender equity in intercollegiate athletics. One of the recommendations of the task force was the creation of a sourcebook for NCAA members. That sourcebook, "Achieving Gender Equity: A Basic Guide to Title IX and Gender Equity in Athletics for Colleges and Universities," is now in its third edition. It is free to NCAA members and includes information on current case law, the basics of Title IX compliance, information about NCAA emerging sports and even promotional ideas for women's sports.

This spring, the NCAA will conduct its 15th Title IX Seminar/Gender Equity Issues Forum since 1995. These now annual seminars are designed to assist NCAA member schools in understanding the intent of Title IX and to provide them with the necessary educational resources needed so they can comply with the law and address other gender equity issues. The Association has placed emphasis on institutional gender-equity plans through the Division I certification process and the Divisions II and III self-study processes. And, in 1994, legislation was passed that identified "emerging sports" for women that, while not yet sponsored by member schools in sufficient numbers to create a championship, counted in other important ways for institutions in terms of revenue distribution and sports-sponsorship numbers. The intent was to further increase the menu of sports available for women and encourage institutions to increase opportunities for women by sponsoring these sports, several of which have recently become NCAA championships as a result. Once again, as opportunities have been made available, participation by women has increased significantly.

At the same time, the NCAA has increased the minimum number of sports sponsored for both men and women as part of an institution's Division I membership requirements. The Association's revenue-distribution plan recognizes the value of broad-based programs, both in terms of the number of sports and the number of athletics grants-in-aid. In 1996, the NCAA membership established a moratorium that precluded the discontinuation of any championships through 1998-99, thus protecting both men's and women's Olympic sports where sponsorship had declined. The moratorium was replaced in 1997 by legislation that specifies that even if sponsorship for an Olympic sport drops below minimum established requirements (40 schools for championships established before 1995 and 50 for those thereafter), the championship remains unless the membership specifically votes to dissolve it. This action shows strong support on the part of NCAA members to maintain Olympic sports as part of the NCAA championships program even though individual members may have chosen to no longer sponsor an Olympic sport.

Conclusion

In a perfect world, Title IX would not be necessary. There would be resources and will enough to do the right thing and meet everyone's needs. Social legislation exists, of course, because we do not live in that perfect world. Even with more than 30 years of experience and the examples of the several hundred thousand female student-athletes who have benefited from increased athletics participation for women, threats to the future of Title IX remain.

The most recent and one of the most pernicious examples is the so-called "additional clarification" letter of 2005 issued by the Department of Education without prior announcement or opportunity for public comment on the additional clarification. The Department of Education now allows institutions of higher education to rely solely on an Internet-based survey to measure interest in athletics among their students. Notoriously unreliable as valid instruments for measurement, these e-mail surveys would interpret a non-response the same as a "no" response that is, as an indication that there is no interest in additional sports opportunities. This approach is contrary to the intent of Title IX itself and appears to be designed to enable schools to show that females are not interested in participation as opposed to the previous 1996 clarification which allowed for surveys but only as one of multiple components as an assessment of interest. The effect of this recent survey approach potentially would be to freeze participation opportunities at their current level or worse to roll back the progress made over the last 34 years. NCAA President Myles

Brand and the NCAA Executive Committee, the highest decision making body of the association comprised of university presidents from throughout the country, have notified the Department of Education of their deep concerns about the flaws in the additional clarification and have asked that it be withdrawn. The Department of Education reaffirmed the 1996 clarification in 2003 and should not be allowed to lessen that commitment now.

The standard for measuring success for 2006 and beyond is the same as that set by a NCAA Gender-Equity Task Force in 1992. It defined gender equity in the following manner: "An athletics program can be considered gender equitable when the participants in both the men's and women's programs would accept as fair and equitable the overall program of the other gender."

I am proud of how far we have come. Thanks to the efforts of people like Christine Grant, Donna de Varona and Dot Richardson, female student-athletes can hope for the same educational experience that males have enjoyed and benefited from for generations. Title IX is a real success story. But as successful as this important Federal legislation has been, those who value fair, equitable treatment must remain vigilant to any and all threats that would undermine future progress.

Thank you for the opportunity to appear before you today.

Senator SMITH. Judy, do you know if—obviously, the poll you cited is demonstrably unscientific. Are there any scientific pollings that are accurate, reflecting public interest in these issues?

Ms. SWEET. I'm not sure that I understand your question.

Senator SMITH. Well, you talked about the Internet poll—

Ms. SWEET. Yes.

Senator SMITH.—and how answers were scored, a non-answer as a "no," that there's not an interest. Has anyone done something more scientific than that?

Ms. SWEET. The information that we have, after talking to university presidents, is that less than 10 percent of the students on their campuses respond to surveys that they do electronically.

Senator SMITH. I see.

Ms. SWEET. Whether that's scientific or not, I think that it shows experience.

Senator SMITH. OK.

Our next witness is Dr. Christine Grant, and she has served as director of the Department of Women's Intercollegiate Athletics at the University of Iowa from 1973 to 2000, and remains with the university as a professor in the Department of Health and Sport Studies programs.

Dr. Grant?

STATEMENT OF DR. CHRISTINE GRANT, ASSOCIATE PROFESSOR, UNIVERSITY OF IOWA, DEPARTMENT OF HEALTH AND SPORT STUDIES

Dr. GRANT. Thank you, Chairman Stevens and Senator Smith and other distinguished Members of the Committee. Thank you for inviting me to testify today.

We are having some problems, as usual, with PowerPoint, and we hope to have it corrected in just a moment or two, but I will begin.

My name is Christine Grant. I am the former athletic director for our separate women's athletic department at the University of Iowa for 27 years. And today, I'd like to share with you some facts and figures.

In slide 1, which you will hopefully see in a moment, the growth of girls' participation at the high-school level since 1971 has risen to 42 percent. However, it is vital to understand that boys' partici-

pation numbers have also increased significantly. Boys, today, still have 58 percent of all athletic opportunities. The trend of increasing participation slots for men is also seen at the intercollegiate level.

There's a myth that Title IX has caused the demise of some men's sports—specifically, wrestling and gymnastics—yet we have a slide that shows there has actually been a steady decline in the popularity of these two sports since the early 1980s. You'll recall that in the decade of the 1980s, Title IX did not apply to athletics for a period of 4 years. So, the fact that many teams were lost in the 1980s is not because of Title IX. The reality is that the popularity of specific sports changes over the years. For example, look at the increase in the number of football teams and soccer teams. I also decided to track what was happening in women's gymnastics, and the declining popularity of that sport is clearly apparent.

The General Accounting Office was asked to do an in-depth study of participation opportunities in both the NCAA and the NAIA. And their results show there was a net gain of 36 teams for men. That trend was supported by the data from the NCAA.

Between 1988 and 2002, there was a net increase of 61 men's teams. However, I discovered that while Divisions II and III had experienced net gains for men's teams, Division I had experienced a net loss, and it was in Division I-A where the greatest net losses have occurred. I believe that million-dollar salaries for football and men's basketball, coupled with an arms race in the building of superb facilities, may well be related to the loss of some men's sports in Division I-A.

Another slide shows the enormous population from which we recruit women athletes. Only 163,000 female student athletes currently get the chance to compete at the university level. If we are not adding sports at that level, it is not because of a lack of interest or a lack of ability.

Tracking the financial situation for the last 30 years shows that the lack of progress toward increased financial support for women was not caused by lack of money. The money was there. The commitment was not. In Division I-A, for every new dollar that went to women's sports until 1993, three brand-new dollars went to men's sports. And after 1993, for every new dollar spent on women's sports, two brand-new dollars have gone to men's sports.

In 1993, a new researcher factored out the administrative costs. And in this slide you'll note that while the expenses of men's athletics currently are more than double those for women, the administrative costs also far exceed the costs for women's programs.

A troubling trend is the increasing expenditures in football and men's basketball. Football expenditures have increased threefold since 1985; and men's basketball expenses, almost fourfold. At the same time, the deficits in athletics programs have been increasing at a rate that is very troubling. In Division I-A, the average deficit has doubled in 10 years, to \$4.4 million per year.

This leads us to examine the expenditures of football and men's basketball. In 1985, the budgets for these two sports took up 49 percent of the men's athletic budget, but, in the latest analysis, these two sports now consume almost three-quarters of the men's budget, 74 percent. Where does that leave men's so-called "minor

sports”? Very definitely on the short end. It is not Title IX that is causing this problem; it is the insatiable appetites of football and men’s basketball.

The latest NCAA gender-equity figures show that in Division I–A the number of female athletes is 8 percentage points below the percentage of female undergraduates, and the Division I–AAA, it is 7 percent. But in the other divisions, this is an area that warrants real attention.

In the area of scholarships, the figures are better. In the recruiting area, Division I–A is well behind the other divisions and subdivisions. In the total-expense column, Division I–A is 14 percent below the participation ratio, while the other subdivisions and divisions are doing well.

The final slide shows a 2003 poll by the *Wall Street Journal* and NBC News. Sixty-eight percent of the public approve of Title IX, and 66 percent approve, even if it means, quote, “cutting back on men’s athletics to ensure equivalent athletic opportunities for women.” The public recorded a 70 percent rating for strengthening the law or making no changes to the law.

I thank the Committee for giving me this opportunity. And I would like to take a moment to thank the other members of the National Girls and Women in Sports Day Coalition. That would be the American Association of University Women, the Girl Scouts of America, Girl, Inc., GWS, National Women’s Law Center, Women’s Sports Foundation, and the YWCA.

Thank you very much.

[The prepared statement of Dr. Grant follows:]

PREPARED STATEMENT OF DR. CHRISTINE GRANT, ASSOCIATE PROFESSOR, UNIVERSITY OF IOWA, DEPARTMENT OF HEALTH AND SPORT STUDIES

Chairman Stevens, Ranking Member Inouye and other distinguished Members of the Committee, thank you for inviting me to testify before you today.

I am Christine Grant, former Athletic Director for our separate women’s athletic department at the University of Iowa for 27 years and currently an Associate Professor in the Department of Health and Sport Studies.

Today I would like to do three things: (1) present you with some facts and figures that describe the progress we have made since 1972 for women in sport in our Nation, (2) briefly describe some financial trends, especially in football and men’s basketball at the intercollegiate level, and (3) note areas where institutions in specific divisions are doing well and where institutions in divisions need to consider providing additional support.

In slide 1, the growth of girls’ participation at the high school level since 1971 has risen to 42 percent of the athletic population. However, it is also important to note that boys’ participation numbers have also increased significantly, from 3.7 million to over 4 million. Today, boys still have 58 percent of all athletic opportunities.

The trend of increasing participation slots for men is also seen at the intercollegiate level. In the NCAA, men in 1989 had approximately 176,000 opportunities, and by 2004 that number had increased by about 42,000.

There is a myth circulating around the Nation that Title IX has caused the demise of some men’s sports, specifically wrestling and gymnastics. Yet, the next slide shows that there has actually been a significant and steady decline in the popularity of these two sports since the early 1980s. You will recall that in the decade of the 1980s, Title IX did not apply to athletics for a period of 4 years due to the Supreme Court’s decision in *Grove City College v. Bell*.¹ Additionally, there was little, if any, enforcement of the law even when it was restored in 1988 when Congress passed

¹ 465 U.S. 555 (1984).

the Civil Rights Restoration Act of 1987.² So, the fact that many teams were lost in the 1980s is not because of Title IX. The reality is that the popularity of specific sports changes over the years. For example, look at the increase in the number of football teams and soccer teams in that same time frame. Between these two sports, 333 teams were added for men; teams that were lost in wrestling and gymnastics totaled 182.

I also decided to track what was happening in women's gymnastics. As you see, the declining popularity of that sport is clearly apparent.

The General Accounting Office was asked to do an in-depth study of participation opportunities in both the NCAA and the NAIA. Their results show that in an 18-year period, there was a net gain of 36 teams for men, which constituted a 5 percent increase in participation.

That trend was supported by the data from the NCAA. Between 1988 and 2002, there was a net increase of 61 men's teams. After further research, however, I discovered that while Divisions II and III had experienced net gains for men's teams, Division I had experienced a net loss. Upon further investigation, I discovered that it was in Division I-A where the greatest net losses had occurred. This is surprising since these institutions have by far the largest budgets. Time does not allow me to expand on this issue except to say that I believe that million-dollar salaries for football and men's basketball, coupled with an arms race in the building of superb facilities, may well be related to the loss of some men's sports in Division I-A. For example, at Iowa, last year we paid our football coach over \$2 million; we paid the President of the University \$300,000.

The next slide shows the enormous population from which we recruit our intercollegiate athletes. Only 163,000 female student-athletes currently get the chance to compete at the university level. Obviously, we could add hundreds of women's teams from this large population. If we are not adding sports at the collegiate level, it is not because of a lack of interest or ability.

Tracking the financial situation for the last thirty years shows that the lack of progress toward increased financial support for women was not caused by lack of money; it was caused by lack of commitment. The money was there; the commitment was not. In Division I-A, for every new dollar that went to women's sport after 1972 till 1993, three new dollars went to men's sports. Let me repeat that: for every new dollar that went to women's sports, three new dollars went to men's sport. Since 1993, for every new dollar spent on women's sports, two new dollars have gone to men's sports. This allocation is not a trend that lends itself to creating equal opportunities and comparable treatment for our female student-athletes. On the contrary, it exacerbates the problem.

In 1993, a new researcher decided to try to factor out the administrative costs. You will note that while the expenses of men's athletics currently are more than double those for women, the administrative costs also far exceed the costs for women's programs.

A troubling trend is the increasing expenditures in football and men's basketball. You will note in the next slide that men's football expenditures have increased threefold since 1985 and men's basketball expenses almost fourfold.

At the same time, the deficits in athletic programs have been increasing at a rate that is extremely troubling. In Division I-A, the average deficit has doubled in ten years to \$4.4 million. This is at a time when universities as a whole are struggling to finance academic programs. All other divisions are facing the same trend in deficits.

This leads us to examine the expenditures of football and men's basketball. In 1985, the budgets for these two sports took up almost half of the men's athletic budget—49 percent. In the latest financial analysis, these two sports now consume almost three quarters of the men's budget—74 percent.

Where does that leave men's so called "minor" sports? On the short end. Let me rephrase what is happening; football with an average squad of 117 in Division I-A is spending about half a percentage point on each student-athlete for a total of 56 percent of the men's budget; basketball with 15 players is spending over 1 percent on each student-athlete for a total of 18 percent of the men's budget. The other men's sports have only 21 percent of the budget for as many as 200 student-athletes. It is not Title IX that is causing this problem; it is the insatiable appetites of football and men's basketball.

The latest NCAA Gender Equity figures show that in the area of participation, Division I has been offering a greater percentage of opportunities. In Division I-A, the percentage of female athletes is 8 percent below the percentage of female undergraduates, and in Division I-AAA, it is 7 percent below the percentage of female

²Pub. L. 100-259, 102 Stat. 28 (1988).

undergraduates. However, it is clear that those in Division 1-AA, II and III need to address this issue to determine if their institutions are being responsive to the increasing interests and abilities of their female students.

In the area of scholarships, the figures are better, but that is because they only have to match the participation rates, which, as I mentioned above, are still below where they should be.

In recruiting, Division 1-A is well behind the other divisions and subdivisions. This is an area that needs a lot of attention.

So too is the disparity in Division 1-A in the total expense column. Division 1-A is 14 percent behind the participation ratio while the other subdivisions and divisions are doing well. Again, it appears that the most lucrative programs in the Nation are not committed to equitable treatment for male and female student-athletes.

The final slide shows a 2003 poll by the *Wall Street Journal* and NBC News. It notes that 68 percent of the public approve of Title IX. What is more surprising to many is the result that "cutting back on men's athletics to ensure equivalent athletic opportunities for women" received a 66 percent approval rating. The public recorded a 70 percent rating for strengthening the law or making no changes to the law.

In conclusion, the facts show that both men's and women's opportunities to play sports have increased since Title IX was enacted in 1972, with men and boys still receiving more opportunities than women and girls today. While some men's and women's teams have decreased in number, this decline is not because of Title IX, but rather because the popularity of specific sports changes over the years for various reasons. With respect to expenditures, educational institutions are not even close to providing equal financial support to women, and men's budgets are being dominated by football and basketball, which leaves little money for all other men's teams. The recruiting budgets for female athletes are particularly dismal and need to be increased. Title IX and other gender equity laws must be strongly enforced if we are to continue moving forward towards true equality for women and girls in sports.

Senator SMITH. Dr. Grant, you talk about how the major sports are hurting men's other sport programs. Obviously, I think you're testifying that they have also dramatically harmed the availability of dollars for women's sports, as well.

Dr. GRANT. That's correct, Senator. The expenses of football and basketball have gone up at an alarming rate.

Senator SMITH. You know, it strikes me, as I've listened to all of you, that Title IX plays such a pivotal role, when it comes to public dollars, to making opportunity available to young women. But it seems that pressing down on that noble ideal is a marketplace that is making this very hard to manage. And, obviously, I'm looking for solutions. We do need to have a hearing specifically on Title IX and what the Department of Education is proposing, because I suspect that if we didn't have this law, we would not have any of these women's sports, that it would just all be market-driven.

I think one of the values of public education and public institutions is to give everybody a place at the starting line. But then, how they come to the finish line—we begin running toward the goal line, which is a marketplace, and somehow we've got to find that balance, but we have got to make clear to the Department of Education that we need to not step back from Title IX, but to strengthen it.

But, you know, having said that—I've told you how I feel and how I will vote, but I'm wondering what it's doing to women who you recruit, Tara, and how they look at spending their time in athletics when they may or may not see successful women's soccer leagues or see an opportunity, a market opportunity, awaiting them after college.

Ms. ERICKSON. Yes, I think that I can speak, obviously, only on what I do at my university and, you know, what the attraction is for these young ladies to come there. And, you know, where we stand right now, and where I feel about our women's soccer team, I feel that we are supporting women's athletics. The NCAA just added two additional scholarships. And a great example for our team and our university is that both of those scholarships will be added and not looked at toward the future. So, you know, I'm operating here in the present and obviously trying to give these girls the opportunity that I had as a student athlete. So, I feel good about what we're doing, but I do see the growing larger trend that both of these ladies just spoke about, as well.

Senator SMITH. Do you find that some women just won't? I guess the ones that play, they just love to play and compete, but is it a depressant to your effort to expand this that there is not a professional league for them later?

Ms. ERICKSON. Yes, I think, you know, that example of, "We love to play the game, no matter what, and we will continue to play the game"—but the opportunity is, for sure, something they're looking at further down the road. And, like I said, I had to go overseas to play, because the women's professional league was not here. And, again, it's not here now. So, yes, looking further on down the road, maybe then we all look and see that, you know, ceiling above us. And that's kind of holding us down.

Senator SMITH. Well, the truth is, for young boys, speaking for myself—I'm not young anymore, but, I mean, I thought I was supposed to replace Bob Cousy, with the Celtics. Didn't happen that way. And, frankly, a lot of the professional opportunities are illusory for a vast majority of elementary, junior-high, high-school, and college athletes.

Ms. ERICKSON. But it's still nice to have that opportunity to look toward. And it's a goal that you can have in your mind, whether you achieve it or not.

Senator SMITH. How about the media? They're profit-making enterprises, as well. There's clearly a bias toward men's sports, as against women's sports. Do you ever complain to them about a little more equal treatment? We complain to the media a lot, too—

[Laughter.]

Senator SMITH.—and I just wanted to give you that opportunity—that chance.

Ms. ERICKSON. For me, particularly? I mean, I see that the media has done plenty of great things for women's athletics. And, you know, you look at the Olympics, and you see some of the moments that women have been given. But, yes, it's far outweighed by the men's. And, you know, the more that the media can do, I think then there will be more support by women, you know, watching women compete in athletics, and there'll be more support by men watching women compete on the TV.

So, if the opportunity comes up, yes, I think that we would embrace that. I don't know if I have the spotlight to gather that attention right now.

Senator SMITH. You do. All these cameras are on you.

[Laughter.]

Ms. ERICKSON. OK, bring it on.

[Laughter.]

Senator SMITH. Dr. Grant, in your experience, are revenues generated from basketball and football ever shared with the women's programs?

Dr. GRANT. There is a myth across the country that football and basketball, especially in Division I-A, have more money than they know how to spend. Miles Brand was on our campus about a year ago, and he was asked that question. He said, "If there are 12 universities in the entire USA that are bringing in more money than they're spending, we will be lucky." The vast majority of athletic programs are in deficit spending, and these deficits are growing significantly every single year. And it's being fueled by football and men's basketball. Last year, we paid our football coach over \$2 million. We paid the president of our university \$300,000.

Senator SMITH. To be clear, you're saying not only are men's sports not profitable, but, specifically, with few exceptions, men's basketball and football are unprofitable ventures.

Dr. GRANT. At most universities, yes, that is correct.

Senator SMITH. So, clearly they're not sharing anything with the women's programs.

[Laughter.]

Dr. GRANT. Well, the women's program, in many instances, gets institutional support.

Senator SMITH. How do these universities make up the deficits that are created in this, as you termed it, an "arms race" for stadiums and coaches and—

Dr. GRANT. Frankly, I don't know.

Senator SMITH. Comes out of some budget, I suspect.

Dr. GRANT. Yes.

Senator SMITH. Judith, as you think about our hearing coming up, on Title IX, what's the outcome you want to see?

Ms. SWEET. First outcome would be, as you've heard from so many of us today, not to weaken Title IX in any way, to do away with the additional clarification that was added to the Department of Education website without an opportunity for input or public comment. But, most importantly, strong enforcement of Title IX. As has been indicated by so many of the speakers today, we've made progress, but there is a lot more that needs to be done, and we need to be vigilant, and we need to make sure that universities and high schools throughout the country are committed to making sure that young girls have the same opportunities to participate and engage in healthy athletic competition that young boys have.

Dr. GRANT. If I may—

Senator SMITH. Yes.

Dr. GRANT.—comment, Senator Smith? I also would like to see the NCAA attempt to get us together in order to reduce some of the expenditures, especially in Division I. We have some excessive practices that could be eliminated without in any way affecting the level of competition, and I would very much like to see that done.

I also would like to see Congress consider an exemption to the antitrust laws, because these salaries are totally and utterly out of control for football and men's basketball.

Senator SMITH. Lynette, I don't want you to feel ignored here, but as I ask this question, I want to make it clear a lot of young

men, young boys aren't interested in sports either. But how do you reach out to young girls who are not interested in sports? What do you do for them?

Ms. MUND. Well, I just like to give them the opportunity. And—just to show them kind of what opportunities there are for women and what it can do for a person. And, you know, they can make the choice if they're interested or not. And just providing the opportunity is kind of the main thing. And there are going to be some girls that aren't, but there are going to be some girls, especially in, you know, small-town North Dakota, that, you know, when they're 4th graders, they don't really know much about basketball, but I can at least introduce it to them, and then they have the choice whether they want to participate or not.

Senator SMITH. You obviously encourage them for just physical activity and feeling well and healthy, and those are values, in themselves.

Ms. MUND. Yes.

Senator SMITH. I think the same thing should be done for young boys. I mean, a lot of young boys hanging around with my son are not the least bit interested in sports. So, there's clearly a value, separate and apart from competing on a team.

Well, you've all been tremendous to come here and to help us celebrate this important day. I don't apologize for my colleagues, because I know how we're torn this way and that. When you arrive to work in the Senate, you're on a treadmill, and you have many committees and many responsibilities, particularly some of these more senior members. So, I'm sorry you were just stuck here with me, at the end. But you have added measurably to the public record, and you've made your case, and we've got our work to do. And to all who have attended, particularly our witnesses, and those who have listened in support of young women, girls, women's athletics, thank you for being here.

With that, we're adjourned.

[Whereupon, at 11:50 a.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII

Today marks the 20th anniversary of the National Girls and Women in Sports Day, which commemorates the importance of women and girls in athletics. This day was chartered by Congress 14 years after enactment of the Title IX program, and the witnesses before us today are a testament to the success and strength of that program.

We are awed by the athletic achievements of our witnesses, but it is their professional accomplishments, the lives they are leading, and the examples they are setting, that are the true hallmark of Title IX. They are extraordinary athletes, but more importantly, they are extraordinary role models.

Equality in sports, from grade school to college, has helped to open up a world of educational and professional opportunities for women. More importantly, it has helped girls and young women improve their physical and mental health as well as their overall self image. While the women who have joined us today are shining examples of Title IX's success, I can guarantee that there are many more to come.

I understand that the Department of Education issued new guidelines last year for the Title IX program that have raised concerns by the National Collegiate Athletics Association (NCAA). While I understand efforts to perfect programs, I do not support efforts to turn the clock back. I am interested in knowing what our witnesses think about those guidelines.

I would also like to acknowledge the historic contributions of our dear friend, the late Patsy Mink, the former Congresswoman from Hawaii. She was one of America's most effective advocates for women's rights. Her vigilance and dedication helped make Title IX the success it is today, and we are all most grateful.

I congratulate our witnesses for their many achievements, and I thank them for inspiring so many others. In recognizing the women before us, I also want to recognize Cathy McCullough, our counsel for the consumer affairs and the trade subcommittees. Today is her last day with us. She has been a talented and committed counsel for the Committee for 3 years.

Cathy is so committed to the work of this Committee and the issues surrounding Title IX, she changed her plans in order to prepare this hearing. I want to thank her for all of her efforts.

PREPARED STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON

Mr. Chairman and Mr. Co-Chairman, I want to thank you for holding this important hearing on the promotion and advancement of women in sports. It is fitting that this hearing is to take place on the 20th anniversary of National Girls and Women in Sports Day.

Before I begin, I want to congratulate the University of Washington women's volleyball team. In December, they won their first-ever NCAA Division I Women's Volleyball Championship, thanks to a lot of hard work and passion. The people of Washington are so proud of your talent and your teamwork.

Title IX, the law that reduced barriers for women and girls to participate in sports, is the reason we have celebrated National Girls and Women in Sports Day for the past 20 years. And it continues to work, increasing women's participation in sports at high schools, colleges, and universities. Just look at the numbers. According to the NCAA, in 1971, the year before Title IX of a larger education act became law, there were roughly 30,000 women participating in athletics at colleges and universities. In 2001, that number had increased by more than fivefold. The increase has been even more dramatic at the high school level. In 1971, 294,000 girls participated in high school athletics; by 2002, the number rose to 2.8 million. Still, while these great advances owe much to Title IX, women and girls continue to face significant obstacles in athletics.

In fact, Title IX is the reason we have brought together a group of world-class women athletes today. Again, I want to thank the Chairman and Co-Chairman for convening this hearing to discuss a recent rule change that will essentially roll back this landmark legislation.

Last March, the Department of Education announced that it would allow schools merely to conduct an email survey of students in order to demonstrate Title IX compliance. The new change would bypass the opinions of coaches and other administrative staff at colleges and ignore participation rates in surrounding high schools or private leagues. I am concerned that we're giving schools a free pass to maintain the status quo, or even worse, seriously weaken Title IX protections, at a time when we should be seeking proactively to provide women and girls with equal sports participation opportunities.

Research demonstrates a relationship between sports participation and academic achievement among boys and girls. In other words, participation positively shapes a young person's educational outcomes. Title IX has not only opened the door for millions of women and girls in sports, it has also established a domino effect of high achievement in the classroom and ultimately, the boardroom. Participation in sports builds character and provides opportunities for children to develop skills. Success anywhere demands self-discipline, perseverance, hard work, sacrifice, teamwork, respect for rules, and interpersonal skills.

While the number of women and girls participating in sports has increased dramatically in the three decades since Title IX has passed, studies show that girls are still significantly less likely than boys to participate. What are the factors that continue to inhibit girls' participation in sports? We must find the answer to this question and continue shaping new opportunities for women and girls by upholding current Title IX policies. As we increase our knowledge of women's participation in sports, we also broaden our understanding of their opportunity in school and the workplace.

I look forward to hearing from the witnesses.

