

Congress of the United States
Washington, DC 20515

September 12, 2022

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona,

We write you to express our profound objection to the Department of Education's proposed rule change to redefine sex-based discrimination and sex-based harassment under Title IX of the Education Amendments of 1972 to include "sexual orientation" and "gender identity."¹ This revision will be detrimental to women's rights – allowing biological males to access sex-segregated spaces such as bathrooms, locker rooms, and dorm rooms and participate in women's sports, erasing decades of records female athletes have worked hard to achieve. We request that you immediately rescind this dangerous proposed rule change.

As you know, one of President Biden's first actions in office was to ignore basic biology by redefining sex in Executive Order 14021, "Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, including Sexual Orientation or Gender Identity," signed on March 8, 2021.² Subsequently, on June 23, 2022, the 50th anniversary of the law, the Department of Education (DOE) released for public comment the proposed rule changes previously described, desecrating the legacy of the historic protections for women passed in Title IX.³

As previously outlined in a similar letter sent to you by more than 40 Members of Congress in April of this year, the Biden Administration and the DOE continue to justify this blatant disregard of science by relying on the Supreme Court's decision in *Bostock v. Clayton County*. Despite the fact that the court made clear in their opinion that this decision does not hold weight in other areas of the law such as Title IX, demonstrating yet another example of this administration's circumvention of the Supreme Court and the rule of law.⁴

¹ Federal Register Number 2022-13734 <https://www.regulations.gov/document/ED-2021-OCR-0166-0001>

² Biden Jr., Joseph R. (2021, March 8). Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity. *White House*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/08/executive-order-on-guaranteeing-an-educational-environment-free-from-discrimination-on-the-basis-of-sex-including-sexual-orientation-or-gender-identity/>

³ U.S. Department of Education. (2022, June 23). The U.S. Department of Education Releases Proposed Changes to Title IX Regulations, Invites Public Comment. <https://www.ed.gov/news/press-releases/us-department-education-releases-proposed-changes-title-ix-regulations-invites-public-comment>

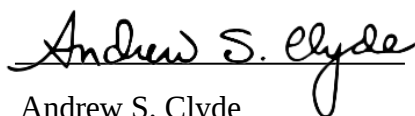
⁴ Hartzler, Vicky J., et. Al. (2022, April 12). Letter to Secretary Miguel Cardona. <https://hartzler.house.gov/sites/hartzler.house.gov/files/2022.04.12%20SOGI%20Title%20IX%20Letter%20to%20DOE%20FINAL.pdf>

Securing the equal protection of all students is paramount to ensuring a successful learning environment, but this proposed rule change actively puts our female students at risk. Under the Obama Administration's adoption of radical gender ideology, the DOE's Office for Civil Rights targeted school districts who disallowed biological males from entering women's restrooms and locker rooms, forcing them to choose between protecting female students or receiving necessary Federal funding.⁵ This led to many female students feeling unsafe at their schools, such as one 15 year-old girl in Palatine School District 211, outside of Chicago, Illinois, who expressed, "It just doesn't feel right knowing someone with male anatomy is in the bathroom with me."⁶

In recent times, due to the Democrats' extremist transgender theories, we have seen the complete destruction of women's sports at all levels with the introduction of biological males in competition alongside our female athletes. Earlier this year, Lia Thomas – who was born William Thomas, a biological male, and who previously competed on the University of Pennsylvania's men's swimming team – defeated female Olympic silver medalist Emma Weyant by 1.75 seconds to win the NCAA Division II National Championship in the Women's 500-yard freestyle. When competing on the men's team, Lia Thomas ranked 554th in the 200 freestyle, 65th in the 500 freestyle, and 32nd in the 1650 freestyle. However, when competing against female athletes, Thomas ranked 5th, 1st, and 8th respectively in the female competitions.⁷ The evidence is overwhelming: allowing biological males to compete against our stellar female athletes will erase any semblance of a level playing field and will disadvantage those women who dream to compete in athletics at an educational institution.

The Biden Administration and the Department of Education continue to push radical gender ideologies on our school children, and the proposed rule change to Title IX will jeopardize the safety, privacy, and opportunities currently available to our female students. We demand that you immediately rescind the proposed rule outlined in this letter and commit to protecting women as was originally intended by the passage of Title IX.

Sincerely,



Andrew S. Clyde
Member of Congress

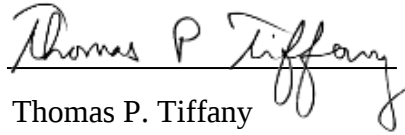


Louie Gohmert
Member of Congress

⁵ Anderson, Ryan T., and Melody Wood. (2017, March 23). Gender Identity Policies in Schools: What Congress, the Courts, and the Trump Administration Should Do. *The Heritage Foundation*. <https://www.heritage.org/sites/default/files/2017-03/BG3201.pdf>

⁶ Bolar, Kelsey. (2015, December 21). Why These High School Girls Don't Want a Transgender Student in Their Locker Room. *The Daily Signal*. <https://www.dailysignal.com/2015/12/21/why-these-high-school-girls-dont-want-transgender-student-a-in-their-locker-room/>

⁷ Lohn, John. (2022, April 5). A Look at the Numbers and Times: No Denying the Advantages of Lia Thomas. *Swimming World Magazine*. <https://www.swimmingworldmagazine.com/news/a-look-at-the-numbers-and-times-no-denying-the-advantages-of-lia-thomas/>

A handwritten signature in black ink that reads "Thomas P. Tiffany". The signature is written in a cursive style with a horizontal line underneath the text.

Thomas P. Tiffany
Member of Congress

A handwritten signature in black ink that reads "Madison Cawthorn". The signature is written in a cursive style with a horizontal line underneath the text.

Madison Cawthorn
Member of Congress