

## IWV and IWLC Support Legislation to Stop Biden's Title IX Rewrite

June 13, 2024

Dear Members of Congress,

Independent Women's Voice and Independent Women's Law Center strongly support **S.J. Res. 96** and **H.J. Res. 165**, introduced by Senator Cindy Hyde-Smith and Representative Mary Miller, which would end President Biden's illegal Title IX regulation and prevent future lawless executives from reviving it. The joint resolution, passed in accordance with the Congressional Review Act, would stop the Department of Education from unlawfully rewriting Title IX to harm women and girls.

Congress passed Title IX in 1972 to outlaw sex discrimination in education. Title IX does not mention "gender" or "gender identity." And, while Congress is free to address the treatment of these and other categories in federally funded education, it has not done so.

The Department of Education's decision to expand the scope of Title IX to include, among other things, "gender" and "gender identity," is a brazen assault on congressional power. Our Constitution is clear: the people's representatives (not unelected bureaucrats) are to make the law. As recently as June 2022, the Supreme Court reiterated the importance of our Constitution's separation of powers, holding that executive agencies may *not* adopt regulations that go beyond the scope of the statutes written by Congress. See **West Virginia v. EPA**.

In this case, it's not even close. *The Department's rule goes well beyond stopping sex discrimination.* It turns a simple anti-discrimination statute into a labyrinth of woke mandates on every educational program that touches federal dollars, including private schools, from kindergarten through graduate school.

The rule guts due process and free speech on campuses, deputizes teachers and school officials to indoctrinate students and undermine parents, and

forces female athletes to compete against and share locker rooms with men. And that's just the beginning! Simply put, the Department of Education's Title IX rule is a threat not only to the separation of powers but also to equal opportunity and basic civil liberties.

We thank Senator Hyde-Smith and Representative Miller for their bold leadership on this fundamental issue. IWV applauds this resolution and urges all members of Congress to work towards its swift passage.

Respectfully,



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