

for platform users must measure safeguarding assets and obligations on its balance sheet at the fair value of the related assets, which is a departure from accounting standards and the historical practice of treating custodial assets as off-balance sheet. As this effectively treats the custodial assets as those owned by a bank, SAB 121 effectively precludes banks from offering digital asset custody at scale since placing the value of client assets on their balance sheets will impact certain capital, liquidity, and other prudential requirements. Furthermore, SAB 121 undercuts the ability of banks to develop responsible use cases for distributed ledger technology (DLT) and encumbers regulated broker-dealers from custody services as a result of the net capital rule (Rule 15c3-1), which treats the on-balance sheet items as non-allowable assets.

On February 14, 2024, the Associations sent a joint letter to the SEC noting that over the past two years SAB 121 has curbed the ability of our member banks to develop and bring to market at scale certain digital asset products and services. This includes spot bitcoin exchange traded products (recently approved by the Commission for investors) and the use of DLT to record traditional financial assets (i.e. tokenization).

SAB 121 represents a significant departure from longstanding accounting treatment for custodial assets and threatens the industry's ability to provide its customers with safe and sound custody of digital assets. Other, non-bank digital asset platforms subject to SAB 121 are not required to meet the same capital, liquidity, or other prudential standards as banks and therefore do not face the economically prohibitive implications of SAB 121. Limiting banks' ability to offer these services leaves customers with few well-regulated, trusted options for safeguarding their digital asset portfolios and ultimately exposes them to increased risk.

The Associations respectfully request that Members of the House vote in favor of overturning the veto of H.J. Res. 109.

Sincerely,

American Banks Association, Bank Policy Institute, Financial Services Forum, Securities Industry and Financial Markets Association.

Mr. McHENRY. Madam Speaker, a lot has happened since the original vote in the House in May. A lot has happened. This is an asset class that more Americans own than ever before. This is a new technology being deployed that is going to be the backbone of the next generation of internet technology.

Europeans are establishing a standard and clear rules of the road for crypto and a regulatory regime there. There are clear standards in Japan. There are clear standards in Singapore, the Middle East, and even Hong Kong. There is clarity and rules of the road for crypto.

We had a two-thirds vote in support of clarity for crypto and a full regulatory regime for digital assets, like we have for securities, like we have for commodities, like we have for banking in the United States. These are clear rules of the road, a best-in-class set of regulations for consumers, for those who are creating the technology, who are deploying capital, and for the users of this technology.

Madam Speaker, I know my two colleagues on the other side of the aisle who have spoken in opposition to this

veto override voted against that regulatory regime, along with part of their party. I would say we need to look to the wider vote.

Two-thirds of the House voted for a regulatory regime for crypto and clarity for crypto. There were 21 of my Democratic colleagues who voted for this original bill coming out of the House.

Then it went to the Senate, and an interesting thing happened in the Senate. There were 12 Democratic Senators, Senator WYDEN, Senator LUJÁN, Senator BOOKER, Senator KELLY, Senator CASEY, Senator HICKENLOOPER, Senator ROSEN, Senator TESTER, Senator PETERS, Senator SINEMA, and Senator GILLIBRAND, who represents the capital markets in the United States in New York, and her colleague, New York Senator SCHUMER, who also happens to be the Democratic majority leader in the Senate.

Madam Speaker, I say to my Democratic colleagues: This is not an unsafe vote to override this President's veto. It is a very safe vote for the minority to say to their constituents: I am pro-crypto, and I will stand up and do the right thing for clarity for crypto.

Madam Speaker, we should have a wide bipartisan vote. We should override this veto. We should provide clarity under law. We should do this for consumer protection, and we should do this to be best in class in the world for digital assets.

Madam Speaker, I ask my colleagues to support this veto override and vote "yes."

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of West Virginia). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Deirdre Kelly, one of his secretaries.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO "NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE"

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and include extraneous material on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, pursuant to House Resolution 1341, I call up the joint resolution (H.J. Res. 165) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1341, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 165

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (89 Fed. Reg. 33474; published April 29, 2024), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce or their respective designees.

The gentleman from North Carolina (Ms. FOXX) and the gentleman from Oregon (Ms. BONAMICI) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to address the single most important issue for the next generation of daughters soon to enter the world of women's sports.

President Biden issued a final Title IX rule that would effectively end a woman's right to female-only organized athletics. The resolution up for debate today sponsored by the gentleman from Illinois (Mrs. MILLER) would put a stop to it.

A woman's athletic journey starts at a young age. At the outset, it serves as a vital source of empowerment for young girls. Every young woman remembers gym class and the experience of getting hit with a rogue football or being caught in the middle of a boy-dominated dodge ball dispute. Even from a young age, the inherent value of female-only sports is readily apparent. Young girls grow together, learn from each other, and earn a unique sense of female camaraderie.

Then some women get the chance to carry their talent on to college. Post-

secondary athletic opportunities were slim prior to Title IX when I was growing up. However, Title IX came around in 1972 and swung open the doors to college athletics for women who had historically been excluded from such opportunities.

As the first in my family even to graduate high school, I understood the importance of Title IX to women's fight for access to post-secondary education. I immediately saw the law as a means for women to pursue their passion and further their education, just like the boys did. It was a watershed moment.

Title IX ushered in a golden era for women's competition in education. There is sanctity in the community and tradition of these memories and these spaces and these opportunities for young girls. That is why I want to preserve Title IX and ensure the same opportunities for the next generation of daughters.

This is the task today. Congress has the choice before it to either stand with Title IX and the protection of women, or don't. By adding gender identity to Title IX's protected classes, the radical left and the Biden administration will tear down women's sports and eliminate safe and private spaces for girls.

The rule puts a man's perceived feelings of femininity on par with actual womanhood rooted in biological sex. Effectively, it ensures that anyone who says he is a woman can compete in women's sports, shower with women, and go to the bathroom with women.

□ 1315

My womanhood is not a costume, nor is my daughter's or my granddaughter's. I find it offensive that the Biden administration would treat it that way.

By equating perceived sex with biological sex, this rule is at odds with reality. I, along with my Republican colleagues, stand firmly on the side of reality against this onslaught of gender madness. Biological sex exists. It existed when Title IX was first drafted. It still exists today.

Moreover, this isn't just an issue of fiction versus reality. This is an issue of fairness and safety. Men and women are not physiological equals and treating them so is inherently unfair and dangerous.

The Biden administration's rule will strip women and girls of athletic opportunities and put them in danger.

Finally, this rule prohibits female-only spaces, such as locker rooms, bathrooms, and other sex-separated areas. I will stop at nothing to ensure that America's daughters are not put in that situation.

Today, Congress is called upon to vote for young women across America who would have opportunity, safety, and innocence ripped from them by the Biden administration.

We cannot allow that. Therefore, I urge a "yes" vote on Representative

MILLER's resolution, H.J. Res. 165, to stop Biden's Title IX rule.

Madam Speaker, I reserve the balance of my time.

Ms. BONAMICI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to speak in strong opposition to H.J. Res. 165, a Congressional Review Act resolution to repeal the Biden-Harris administration's Title IX rule.

The administration's final Title IX rule does three things. First, it safeguards against all forms of sex-based harassment and discrimination by making several improvements to the 2020 Trump administration's Title IX rule. These include requiring schools to take prompt and effective acts to address sexual harassment as opposed to the lax Trump standard that a school's response just not be deliberately indifferent.

The new rule places the duty to report possible discrimination on more employees, in contrast to the old rule, which only required some employees to report when they had actual, not possible, knowledge of sexual discrimination or assault, and it recognizes that discrimination based on sex includes discrimination based on sexual orientation and gender identity following Supreme Court precedent.

Second, the Title IX rule promotes accountability and fairness in how schools respond to and discipline sex-based discrimination by mandating that schools handle complaints in a timely manner and implement a fair and transparent process.

Finally, this rule empowers students and families to exercise their rights under Title IX. The administration's Title IX rule explicitly protects sexual assault survivors and people affected by discrimination from retaliation for seeking to have their Title IX rights enforced.

Further, the rule guarantees access to supportive services for survivors of sexual assault and accused individuals and, despite what my colleagues repeatedly claim—I thought I was in the wrong debate for a minute—this rule does not address students' participation in sports.

This false narrative follows the many attacks against the LGBTQI+ community in this House and State legislatures across the country. We have had more than 60 anti-LGBTQI+ votes on the House floor this Congress, and it is a distraction to claim that this rule harms women in sports.

For example, the Department has not issued a separate proposed rule to address athletics. They are working on it, but it has not been finalized. That is not the debate we are having today.

Let me be clear: Trans girls like all girls deserve the opportunity to participate on school sports teams, but my colleagues across the aisle keep talking about athletics because they don't want to admit the truth behind this resolution. The resolution is an at-

tempt to undermine nondiscrimination protections for LGBTQI+ students. LGBTQI students, including trans students, deserve to go to school free from discrimination, and that is what this rule is about.

It is not about bathrooms. In fact, the real risk of violence occurs when transgender people are barred from using the appropriate facility. Transgender people experience shockingly high rates of sexual and physical violence and are much more likely to be a victim than a perpetrator.

I am also extremely concerned about the false narrative that my colleagues have invented to portray trans individuals as criminals attempting to enter restrooms to harm others. That is not supported by evidence or data.

Transgender people want the same thing everyone else wants: safety, comfort, and privacy. We must work to protect the transgender community from discrimination and stop the false narratives that exacerbate and encourage prejudice against innocent people.

This bill is particularly extreme because passing it would prevent any substantially similar rule from being enacted on these issues in the future. Voting for this bill would prohibit protections for sexual assault survivors and protections against discrimination on the basis of sexual orientation or gender identity in schools that receive Federal funding.

If Republicans truly cared about protecting women and children, they would stop this prejudiced rhetoric and take action on bills that would actually protect women from discrimination and harassment and defend women's reproductive healthcare, make childcare more affordable, and preserve opportunities in workplaces for all parents, especially women.

Instead, this joint resolution is another attempt to undercut this administration's efforts to empower survivors and protect all Americans from discrimination.

I do want to note that this is another plank in the extremist Project 2025 takeover of government that will sanction discrimination and strip Americans of their rights and freedoms. That is on page 333 if you are looking for it.

I also note that yesterday my Republican colleagues were supporting dignity for dishwashers. I implore all of you to show some dignity to the LGBTQI students who just want to go to school and learn free from discrimination. Show some dignity to the girls and women who survive sexual assault and deserve justice.

Madam Speaker, for these reasons and others, I encourage all of my colleagues to vote "no," and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. MILLER), the vice chairman of the committee and sponsor of this resolution.

Mrs. MILLER of Illinois. Madam Speaker, I thank Chairwoman FOXX for

making the restoration of Title IX such an important priority for this committee.

Madam Speaker, we recently celebrated the 52nd anniversary of this body passing Title IX.

Fifty-two years ago, everyone saw the need for equal opportunities in education, scholarships, and athletics for our girls.

Title IX was enacted to do just that, but Joe Biden's new rule will erase those protections and opportunities for our girls. Unfortunately, the Democrats and the radical left don't know the difference between a man and a woman.

I am proud to be leading this effort today to overturn Joe Biden's unlawful and radical destruction of Title IX.

We keep hearing the Democrats parrot that they are just following the Supreme Court's decision in *Bostock*. That is a lie.

The Supreme Court specifically said in that ruling that *Bostock* should not be applied to Title IX. This is from the majority opinion in *Bostock*: "... we do not purport to address bathrooms, locker rooms, or anything else of the kind," but Joe Biden does not care about courts or the rule of law.

He will do anything to appease the radical left. Biden wants to force biological men into our girls' showers and bathrooms, and the Biden Title IX rule will be the end of girls' sports.

The prospect of this is sickening, and parents across this country are horrified.

We must pray for a return to the Trump administration policies that protected our girls from the vile left-wing agenda to force biological men into our girls' safe spaces and sports.

Madam Speaker, I urge my colleagues to support this resolution and stand up to Joe Biden.

Ms. BONAMICI. Madam Speaker, I will note that the *Bostock* case did not expressly rule, but they did not say it does not apply. The issue is not before them, and that is why several courts have actually extended the ruling from *Bostock* to other civil rights laws.

Madam Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. TOKUDA).

Ms. TOKUDA. Madam Speaker, I thank Ranking Member SCOTT and my Democratic colleagues on the Education and the Workforce Committee for your leadership during this important debate.

Madam Speaker, I rise today in opposition of H.J. Res. 165, which would reverse the Biden administration's Title IX rule.

Republicans want the American people to believe that this Title IX rule endangers women and girls.

Republicans want the American people to believe that this Title IX rule strips the due process rights of students accused of sexual misconduct.

Republicans want the American people to believe that this Title IX rule stifles students' free speech and under-

mines parental rights, but they are lying.

The truth is, President Biden's historic Title IX rule strengthens protections for women and girls, pregnant students, survivors of sexual assault, and our LGBTQ+ students, plain and simple.

For 52 years, Title IX has paved the way to allow all of our children to fully participate and engage in their education, in sports, and all other forms of learning as their true authentic selves.

As the mother of Title IX, Patsy Takemoto Mink had a vision and a dream for her daughter, and for all of our children: to live a life free from the kind of discrimination she suffered as a woman of color.

Throughout her pursuit of higher education, she faced racial discrimination, segregation, and limited opportunities all because she was a woman.

Thanks to her groundbreaking advocacy and reforms, today millions more Americans have equal access to opportunities in our Nation's schools. I am humbled to serve in the seat that Patsy once held with grit and grace. I cannot speak for her, but I know in my heart that she would not stand for this kind of politicization of our children that we are seeing here in this very Chamber.

House Republicans' efforts today will seriously gut Title IX and undoubtedly restrict the Department of Education's ability to protect our Nation's most marginalized and most vulnerable students.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. BONAMICI. Madam Speaker, I yield an additional 20 seconds to the gentlewoman from Hawaii.

Ms. TOKUDA. Madam Speaker, every student deserves an education free from harassment, discrimination, and violence, and as Americans, we should not stand for this kind of intolerance. That is why I am voting "no" on H.J. Res. 165, and I encourage my colleagues to do so as well.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GROTHMAN), a member of the Education and the Workforce Committee.

Mr. GROTHMAN. Madam Speaker, first of all, I thank Representative MILLER for introducing this Congressional Review Act.

I am old enough to remember when Title IX was passed back in 1972. I will guarantee you, there was not one Congressman in this Chamber who voted for that thing 50 years ago who believed that they were voting to require men be allowed in women's sports or requiring men to be allowed in the women's restroom. Nobody would have dreamed of that.

It is maybe a good example of why we should never give the Federal Government more power around here. The question is: Why are we doing it?

I think President Biden and the Democrats are doing it because he

wants to sympathize with the most radical of LGBT agendas.

□ 1330

The best studies of gender dysphoria show that between 80 and 95 percent of the children who expressed discordant gender identity will eventually come to identify with their bodily sex.

When we try to normalize this, when we try to say it is okay for guys to participate in women's sports or okay for guys to use the women's restroom, what we are doing is lessening the chances that people will kind of come out of it and go back to their natural gender. I believe that is the goal of President Biden's order.

In any event, I am glad we have this resolution. I think we should pass this resolution so that local school districts are not required to agree with somebody's feelings and are not forced to go into a situation in which a person with these feelings is encouraged down this path and, in some ways, made to feel like someone who is somewhat of a hero for going down this path.

We must stand firm in protecting the rights and safety of women and girls, preserving due process, and ensuring fairness in our educational institutions.

Ms. BONAMICI. Madam Speaker, in making these important decisions, it is important to rely on experts like child psychiatrists and pediatricians.

I yield 2½ minutes to the gentlewoman from Washington (Ms. JAYAPAL), my colleague from the Education and the Workforce Committee.

Ms. JAYAPAL. Madam Speaker, I am proud to support the Biden administration's new Title IX rule that recognizes every student deserves to feel safe and explicitly prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics in schools.

Protecting kids should not be controversial. Allowing parents to parent their kids without interference from the Federal Government should not be controversial.

This cruel attack on LGBTQIA youth from congressional Republicans is just the precursor to the Republicans' Project 2025, a horrific roadmap for a Trump Presidency that would reverse foundational freedoms and destroy our democracy. This 1,000-page manifesto would gut protections for the LGBTQIA+ community and attacks marriage equality, offensively claiming that same-sex marriages are less "stable" than so-called "traditional families."

According to a 2024 survey from the Trevor Project, in the last year, almost half of the LGBTQIA+ youth experienced bullying, and over a third have seriously considered attempting suicide.

The Biden administration's rule is a critical step to supporting our LGBTQIA+ students and ensuring that they have the rights and protections to be who they are without fear of retaliation, bullying, or discrimination.

I am proud to represent Seattle in Congress. I am proud to be the mom of a transgender daughter. I know the importance of protecting the LGBTQIA+ community from discrimination and harassment. Washington State has had these exact protections for LGBTQIA+ youth for 18 years. That is right, 18 years. Our State is a clear example that protecting all kids, no matter how they identify, is good policy that makes our schools safer for everyone.

Republicans' cruel attempt to repeal President Biden's new Title IX rule, fueled by fear tactics and misinformation, tells already vulnerable children in schools that they do not belong. No one, no child, should have to hide who they are to be accepted.

Madam Speaker, I urge my colleagues to vote "no" against this hateful resolution.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), a member of the Committee on Education and the Workforce.

Mr. WALBERG. Madam Speaker, I rise today with a strong sense of compassion but stronger support for H.J. Res. 165, which would overturn the administration's radical rewrite of Title IX.

The Biden administration's failure to honor the vital protection granted to women and girls, not to mention its disregard of existing due process rights, is incredibly dangerous. Just read the rule. By attempting to work toward what the rule calls educational equity, the Biden administration has put women and girls in danger and sacrificed their equal access in educational opportunities.

Their privacy has been invaded, making them vulnerable to many threats, from physical harm in contact sports to sexual harassment in unsupervised areas like bathrooms or locker rooms.

All it takes is to think about the safety of your own daughters or granddaughters to realize that the Biden administration's Title IX rewrite must be stopped.

For decades, women have courageously fought for and successfully earned their equal protection under the law. The Title IX rule not only forces a nonscientific and nonsensical gender ideology onto every American but also undermines the progress of women's rights in our country. It is an enormous step backward.

I have met with female athletes who have lost out on opportunities because of a male taking their place. We have also seen the footage of female athletes being physically hurt by male athletes. Courageous voices, such as Riley Gaines, have had the courage to stand up and speak for millions of young girls across our country who are at risk because of the Biden administration's dangerous policy.

This resolution stands up for those young women and girls who have found their voice and the courage to speak up for truth, fairness, and science. I encourage support of this resolution.

Ms. BONAMICI. Madam Speaker, before yielding to Mr. TAKANO, I reiterate that this rule is not about athletics. There is a separate rule being drafted about addressing athletics. This is not it.

Also, I am concerned about the scare tactics that are being used. Studies show that allowing trans people to use facilities consistent with their gender identity does not result in increased safety risks. Nondiscrimination laws do not allow men to go into women's bathrooms, period. The claim that allowing transgender people to use facilities that match the gender they live every day allows men into women's bathrooms or women into men's bathrooms is based on a flawed understanding of what it means to be a transgender person or a misrepresentation of the law. The real risk occurs when transgender people are barred from using the appropriate facilities.

Madam Speaker, I yield 2½ minutes to the gentleman from California (Mr. TAKANO), my colleague from the Education and the Workforce Committee.

Mr. TAKANO. Madam Speaker, I rise in strong opposition to the resolution.

The Biden administration's rule strengthens and clarifies protections against sex-based harassment and discrimination for LGBTQIA+ students, pregnant students, and parenting students. Consistent with the Bostock decision, the final rule clarifies that Title IX's protections extend to cover discrimination on the basis of sexual orientation, gender identity, sex characteristics, and sex stereotypes.

This is gravely needed for LGBTQIA+ students. Currently, 83 percent of LGBTQIA+ students face victimization at school. In States with laws that specifically target gay and transgender youth, the rate of hate crimes in schools has quadrupled.

For these students, the explicit protections the Biden administration has finalized will make a life-changing difference. This rule will decrease absenteeism, improve mental health, and allow students recourse when they are targets of harassment and violence.

Republicans, however, are seeking to overturn a rule precisely because of the protections it extends to queer students and, with the passage of this resolution, tear down all protections that this essential rule clarifies.

This resolution will have drastic consequences. The protections that the administration offers for pregnant and parenting students would also be overturned. Survivors of sexual harassment and assault will continue to face significant barriers to completing their education.

While Republicans claim this resolution is in the interest of women's rights, their proposed solution will make the situation worse for female students.

What overturning this rule does is exacerbates existing inequalities, prevents any future administration from enacting a similar rule, and then places

the blame solely on the LGBTQIA+ community. It is shortsighted, petty, and cruel.

Madam Speaker, I will vote against overturning this rule, and I urge my colleagues to do the same.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume. It is not we who are misleading the American people or scaring the American people. Just read the regulation, which says that schools are not allowed to prevent a person from participating in an education program or activity consistent with the person's gender identity. There are exceptions to the general policy included in the regulations, but athletics are not included among the exceptions.

We are not misleading or lying. The other side is misleading.

It is true the Biden administration has proposed a separate rule on athletics, but it is also true the Biden administration is using that proposed rule to mislead the American people and Congress into thinking athletics aren't affected by the rule this resolution would stop.

Thankfully, the American people can see through the Biden administration's attempts to mislead. We have an opportunity to pass this resolution and protect women's sports.

Madam Speaker, I yield 2 minutes to the gentleman from Utah (Mr. OWENS), chair of the Higher Education and Workforce Development Subcommittee.

Mr. OWENS. Madam Speaker, I rise today, as the father of 5 daughters and the grandfather of 12 girls, with a simple truth: Women's sports are for women; girls' sports are for girls; female bathrooms and locker rooms are for females.

When Title IX became law in 1972, it was a watershed moment for the hopes and dreams of every female in America. It was a game changer for women and girls in sports to showcase their talents without discrimination or prejudice.

Unfortunately, the Biden administration wants biological men to compete with women so badly that they are willing to erase decades of progress, placing women and girls in vulnerable, unfair, and dangerous situations, undermining the very protections Title IX was designed to uphold.

President Biden and the Democrats think they can redefine women's sports by redefining fairness. They believe that by replacing the word "equality" with "equity," Americans will come to embrace their Marxist view. They believe that we will learn to reject science, God's wisdom, and good old common sense. They are wrong because they simply do not understand the American way.

The American way does not deny biological reality, and because of its instinctive respect for womanhood, the American way would never deny women and girls the protections they deserve from men.

Our resolution under the Congressional Review Act isn't just about pushing back against administration overreach. It is about standing up for fairness, safety, and equal opportunity. We cannot allow ideological extremism to dictate policy, especially when it disregards scientific facts and threatens the safety of women and girls.

House Republicans are taking a stand to protect women and girls from President Biden's misguided attempts to redefine biological reality. We refuse to allow our daughters to compete in unsafe environments or compromise their dignity in locker rooms and bathrooms.

Madam Speaker, I urge my colleagues to support H.J. Res. 165 to stop the Biden administration's attacks on women and girls.

Ms. BONAMICI. Madam Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the full committee.

Mr. SCOTT of Virginia. Madam Speaker, I rise in opposition to H.J. Res. 165, the Congressional Review Act resolution aimed at repealing the Biden-Harris administration's Title IX rule.

This rule is crucial for three reasons.

First, it ensures protections against all forms of sex-based harassment and discrimination. It overturns problematic provisions from the previous administration's rule that allowed educational institutions to ignore harassment and discrimination that happens off-campus, even if it is at an event sponsored by a college organization. It extends this protection to LGBTQIA+ youth, aligning with recent Supreme Court precedent.

Second, it enhances accountability in how schools handle discrimination complaints, including expanding the number of employees required to report problems. It mandates timely responses and fair processes, unlike the previous rule that allowed unreasonable delays, and ensures equitable treatment for all involved.

Third, it empowers students and families to exercise their Title IX rights without fear of retaliation. It supports survivors and provides necessary services while maintaining due process for the accused.

By the way, this rule does not address participation in sports. As has been said, that is the subject of another rule that has not been finalized. The rule does not change anything about sports participation that is already happening.

□ 1345

Unfortunately, this resolution has been clouded by misinformation, unfounded fears, and with some just hatred of transgender individuals. We must reject these narratives and focus on real issues of safety and equity.

This resolution, if passed, would prevent future administrations from enacting similar protections, undermining progress and safeguarding

women, LGBTQ individuals, and survivors of sexual assault.

Let us prioritize issues like reproductive healthcare, affordable childcare, and closing the gender pay gap instead of perpetuating harmful stereotypes.

Madam Speaker, I urge all of my colleagues to oppose this resolution.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOOD), the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. GOOD of Virginia. Madam Speaker, I rise today in strong support of this resolution to nullify the Biden administration's harmful Title IX rule that for the first time includes sexual orientation and gender identity in the definition of sex.

With the stroke of a pen, the Biden administration is making law apart from congressional action, destroying Title IX's promises of equal opportunity for women and eliminating single-sex spaces like bathrooms, locker rooms, and campus housing for female students from kindergarten through grad school.

This forces schools to adopt progressive Democrats' radical worldview that sex is something that can change on a whim and is not a God-created, scientifically immutable design embedded in our DNA.

Democrats would rather perpetuate the harm of gender confusion than stand up for women and girls. Thankfully, the courts have intervened, and this rule is temporarily blocked from going into effect in 14 States, including my home State of Virginia, but if this resolution isn't successful today, a majority of American schoolchildren and teachers will suffer under this policy when they return to school next month.

This school year, we can expect to see more boys joining girls' sports teams in middle school and high school, thanks to Democrats' radical progressive policies.

You can thank our radical Democrat friends when your daughter finds out her freshman roommate is actually a man.

Brace yourself for the onslaught of investigations at the Department of Education's Office of Civil Rights when teachers and students who refuse to use nonbiological pronouns are reported to the authorities.

I appreciate Representative MILLER's effort to protect women and girls. I am proud to support this legislation, and I urge all of my colleagues to nullify the Biden administration rule by supporting H.J. Res. 165.

Ms. BONAMICI. Madam Speaker, I yield myself such time as I may consume.

I just want to point out that it is definitely not the first time that the definition of discrimination based on sex included sexual orientation and gender identity, because Trump-appointed Justice Neil Gorsuch did exactly that in the *Bostock v. Clayton County* case.

I also note that in this resolution, they are saying it is going to hurt girls and women. It absolutely will not. It is going to strengthen protections for girls and women because it ensures colleges and universities properly address sexual violence, violence that disproportionately impacts girls and women. The rule clarifies protections for pregnant and parenting students, and the rule explicitly clarifies protections for the LGBTQI community, including lesbian, bisexual, and transgender girls and women.

As Representative JAYAPAL said, these rules and protections have been in effect in many States, and the sky is not falling. People are free from discrimination in those places.

Republicans are just repeating the lie that they are standing up for women to hide from the radical antiwomen agenda. You don't have to take our word for it. Leading gender justice organizations, like the National Women's Law Center, the American Association of University Women, and Girls Inc., all oppose this resolution to repeal the Title IX rule. That is why these groups, and more than 100 organizations working to advance gender justice, LGBTQI rights, civil rights, and student rights have written to Congress urging us to oppose this resolution.

Madam Speaker, I include in the RECORD a letter from the Coalition of Gender Justice, LGBTQI+ rights, civil rights, and student rights groups, opposing H.J. Res. 165.

JUNE 13, 2024.

Re Coalition of Gender Justice, LGBTQI+ Rights, Civil Rights, and Student Rights Groups Urges Members to Oppose H.J. Res. 165

DEAR MEMBER OF CONGRESS: The undersigned organizations who work to advance gender justice, LGBTQI+ rights, civil rights, and student rights urge you to oppose H.J. Res. 165, and its companion legislation in the Senate, which would undo the U.S. Department of Education's recently published final rule that strengthens Title IX's protections against sex-based discrimination in federally funded schools. Not only would H.J. Res. 165 overturn the entirety of the protections set out in the rule, it would prevent any future effort to reinstate any of these protections. This effort must be rejected, as the U.S. Department of Education's recently finalized rule reinforces and restores Title IX's protections, ensuring that every student has the right to a safe and welcoming learning environment, free from sex discrimination, including LGBTQI+ students, survivors of sexual assault and other sex-based harassment, and pregnant and parenting students.

The updates clarify that Title IX protects against discrimination on the basis of sexual orientation and gender identity. With a staggering 83% of LGBTQI+ youth reporting in school victimization—and 62% of those who have faced victimization never reporting an incident to school staff—the Title IX updates will clarify remedies for students facing all types of sex-based harassment and hold school officials accountable for fostering safer school environments. This regulatory clarification ensures that LGBTQI+ youth will be able to equally participate in educational opportunities, from being able to attend prom with a date of their choice and wearing clothes that reflect their gender expression to using a restroom that corresponds with their gender identity.

We collectively reject the false narrative that equal educational opportunity for transgender and non-binary students undermines protections for cisgender girls and women. Transgender women are women and transgender girls are girls who deserve the full protection of federal civil rights law. Policies that seek to undermine protections for transgender women and girls—whether in accessing school restrooms or playing sports—harm all women and girls by allowing them to be subjected to unwarranted and inappropriate scrutiny. This scrutiny also falls particularly hard on women and girls of color who do not follow white standards of womanhood, and any cisgender woman or girl who fails to conform to sex-based stereotypes of femininity because of how they look or act. Further, schools across the country have had gender identity nondiscrimination policies in place for years without any issue, and comprehensive nondiscrimination policies that explicitly enumerate gender identity are associated with safer school environments that result in lower rates of discrimination. Such policies are especially critical for sex-separated spaces such as bathrooms and locker rooms. Transgender and non-binary students avoid sex-separated spaces at higher rates than their LGBQ+ peers, and delayed use of bathrooms can result in adverse impacts on a youth's physical and physiological state, mental health, and academic success and attention at school. Forcing transgender and nonbinary students into sex-separated spaces that are inconsistent with their gender identity may result in increased risk of bullying and physical harassment. In fact, survivor-led organizations and anti-sexual assault and domestic violence organizations support full and equal access for transgender people to use restrooms and locker rooms that align with their gender identity.

Additionally, the Title IX rule reverses the Trump administration's 2020 Title IX rule that significantly weakened protections for student survivors seeking help in the wake of their victimization and incentivize schools to further sweep sexual harassment and assault under the rug. Undoing the 2020 Title IX rule brings justice to survivors by ensuring they are not denied their right to educational opportunities in the wake of sexual assault or harassment. The updates to the Title IX rule no longer allow schools to ignore many reports of sexual assault and remove unfair hurdles uniquely faced by student survivors in their schools' investigations—hurdles that students and employees complaining about any other type of misconduct do not have to experience.

Lastly, the updates to the Title IX rule provide greater clarity on pregnant and parenting students' rights, including affirmative steps schools must take to ensure those students are aware of their rights. Schools must provide reasonable accommodations, such as the ability to take breaks and access to a sanitary and private lactation room. According to the CDC, roughly 50% of teenagers who become pregnant and give birth withdraw from school and do not receive their high school diplomas by age 22. Research indicates that discrimination plays a major role in students having to withdraw early from school, despite pregnant and parenting students earning higher GPAs than their non-parenting peers. These Title IX rule clarifications are much-needed to ensure pregnant and parenting students have a right to equal education opportunities.

Every student deserves to have an education free from discrimination and harassment, including on the basis of sex. We urge you to oppose H. Res. 165, and any efforts to undermine this milestone rule that ensures equal educational opportunity for LGBTQI+

students, survivors of sexual assault and harassment, and pregnant and parenting students.

Sincerely,

A Better Balance, AFT, All* Above All, Alliance for Girls, American Association of University Women, American Atheists, American Humanist Association, American Psychological Association, Arab American Institute (AAI), Ascend, Athlete Ally, Autistic Self Advocacy Network, CA LGBTQ Health and Human Services Network, Center for WorkLife Law, CenterLink: The Community of LGBTQ Centers, Chicago Alliance Against Sexual Exploitation (CAASE), Clearinghouse on Women's Issues, Clery Center, Colorado Teen Parent Collaborative, Doctors for America.

EdTrust, Education Law Center, Education Law Center Pennsylvania, End Rape On Campus, Equal Rights Advocates, Equality California, ERA Coalition, Esperanza United, Family Equality, Feminist Majority Foundation, Generation Hope, Girls Inc., GLAAD, GLSEN, Guttmacher Institute, Healthy Teen Network, Human Rights Campaign, Human Rights First, Immigration Equality, Institute for Women's Policy Research.

interACT: Advocates for Intersex Youth, Ipas, It's On Us, Japanese American Citizens League, Jewish Women International, Just Solutions, Justice and Joy National Collaborative (formerly National Crittenton), Know Your IX, Advocates for Youth, Legal Momentum, The Women's Legal Defense and Education Fund, Los Angeles LGBT Center, MomsRising, Monsoon Asians & Pacific Islanders in Solidarity, Movement Advancement Project, Mujeres Latinas en Accion, National Asian Pacific American Women's Forum, National Association of Councils on Developmental Disabilities, National Association of Social Workers, National Center for Lesbian Rights, National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), National Council of Jewish Women.

National Education Association, National Latina Institute for Reproductive Justice, National LGBTQI+ Cancer Network, National Organization for Women, National Women's Law Center, National Women's Political Caucus, Network for Victim Recovery of DC (NVRDC), Nevada Coalition to End Domestic and Sexual Violence, PFLAG National, Population Institute, Public Justice, Reproductive Freedom for All (formerly NARAL Pro-Choice America), Rocky Mountain Victim Law Center, Sexual Violence Prevention Association (SVPA), Silver State Equality-Nevada, Stop Sexual Assault in Schools, Supermajority, Tahirih Justice Center, The Trevor Project, Trans Empowerment Project.

Trans Formations Project, Transgender Law Center, Ujima, The National Center on Violence Against Women in the Black Community, UltraViolet, Victim Rights Law Center, VOICEINSPORT Foundation, Women's March, Women's Sports Foundation, YWCA USA.

Ms. BONAMICI. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. McCLAIN), a member of the Committee on Education and the Workforce.

Mrs. McCLAIN. Madam Speaker, today, our girls are under attack. Our daughters are under attack.

I ask this: What about their freedoms? What about their rights? Do they not have any rights? Do they not have any freedoms?

I say they do. I am here to protect women's and girls' rights and freedoms.

For more than 50 years, Title IX has ensured our daughters have access to quality education and athletic programs. Now, President Biden and his bureaucrats at the Department of Education, are hell-bent on erasing those vital protections for our girls.

This rule to redefine sex discrimination on the basis of gender identity will force schools to provide biological men, who claim to be women, access to women's locker rooms. Yes, that is the truth. That is not fear. That is the truth.

They will also be allowed to go to their same bathrooms. What about our daughters' rights? What about our daughters' freedoms? What about their rights? What about girls' rights and women's rights to have safety and feel secure? Do they not have any rights anymore?

They should not be an expense at all. This is absolutely ridiculous.

You want to talk about us fearmongering? If these allegations that we are talking about right now wouldn't be true, he wouldn't have had to redefine the law without congressional consent. He did it with a stroke of his pen.

The rule to redefine sex discrimination on the basis of gender identity will force schools to provide biological men, who claim to be women, access to women's locker rooms.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. FOXX. Madam Speaker, I yield an additional 15 seconds to the gentlewoman from Michigan.

Mrs. McCLAIN. Madam Speaker, that is why this CRA is so important, and that is why I am proud to cosponsor it. Why? Because I will stand up for women and girls.

Ms. BONAMICI. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BEAN), the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education.

Mr. BEAN of Florida. Madam Speaker, do you remember the 1970s? It was the decade of bell-bottom pants, lava lamps, and disco, but the seventies went beyond fads. Profound changes to societal norms took root, particularly for women, in 1972.

In 1972, women were paid 60 percent less than men. Single women couldn't buy a home without a cosigner. Even more jarring, only 1 in 27 girls participated in high school sports.

The tide began to turn that year with the passage of Title IX, the monumental legislation that leveled the playing field to ensure women and girls have an equal opportunity in education and sports.

More than just throwing a ball, playing a sport means learning lifelong skills, leadership, teamwork, and discipline. Title IX paved the way for girls to compete and lead in athletics.

It has been 52 years since 1972, yet Democrats are trying to reverse many

decades of revolutionary change by allowing men to compete against women. It is what the woke progressive mob calls equality.

Every time a male takes a lane in a pool, a spot on the field, or on the starting line, a female athlete loses the opportunity to compete. Madam Speaker, that doesn't sound very equal to me.

There is a reason that men's sports and women's sports are separate. The inclusion of men into women's sports breaches the privacy of all athletes, compromises fairness and safety, and subverts opportunities for women.

Madam Speaker, today, I say "no" to men competing in women's sports. I say "no" to men in women's locker rooms. I say "no" to men in women's showers. I say "no" to the Biden administration's proposed changes that will allow all of this when they try to change Title IX.

That is why today, Madam Speaker, we are in a battle of survival for women's sports. We have to pass the resolution. I stand in support of the resolution and ask for your help. Let's go get it done.

Ms. BONAMICI. Madam Speaker, I yield myself such time as I may consume.

I just want to note that there are so many groups, domestic violence and sexual assault organizations, such as the National Alliance to End Sexual Violence, National Center on Domestic and Sexual Violence, that have all signed onto a national consensus statement of anti-sexual assault and domestic violence in support of full and equal access for the transgender community.

They noted: Nondiscrimination laws do not allow men to go into women's restrooms or locker rooms, period. The claim that allowing transgender people to use the facilities that match the gender they live every day, that it allows men into women's bathrooms or women into men's, is based on a flawed understanding of what it means to be transgender.

I will note that out of approximately 110,000 collegiate athletes, there are approximately 35 who identify as transgender.

Nondiscrimination laws protecting transgender people have existed for a long time. In some cases, these protections have been in place for decades. The laws have protected people from discrimination without creating harm. None of those jurisdictions have seen a rise in sexual violence or other public safety issues due to nondiscrimination laws.

Assaulting another person in a restroom or a changing room or a locker room is against the law in every State, including under this rule.

I include in the RECORD a letter from the National Task Force to End Sexual and Domestic Violence Against Women in opposition to this resolution and in support of full and equal access for the transgender community.

NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN,

April 21, 2016.

NATIONAL CONSENSUS STATEMENT OF ANTI-SEXUAL ASSAULT AND DOMESTIC VIOLENCE ORGANIZATIONS IN SUPPORT OF FULL AND EQUAL ACCESS FOR THE TRANSGENDER COMMUNITY

We, the undersigned sexual assault and domestic violence organizations, oppose anti-transgender initiatives. These initiatives utilize and perpetuate the myth that protecting transgender people's access to restrooms and locker rooms endangers the safety or privacy of others. As organizations that care about reducing assault and violence, we favor laws and policies that protect transgender people from discrimination, including in accessing facilities that match the gender they live every day.

States across the country have introduced harmful legislation or initiatives that seek to repeal non-discrimination protections or restrict transgender people's access to gender-specific facilities like restrooms. Those who are pushing these proposals have claimed that these proposals are necessary for public safety and to prevent sexual violence against women and children. As rape crisis centers, shelters, and other service providers who work each and every day to meet the needs of all survivors and reduce sexual assault and domestic violence throughout society, we speak from experience and expertise when we state that these claims are false.

Nondiscrimination laws protecting transgender people have existed for a long time. Over 200 municipalities and 18 states have nondiscrimination laws protecting transgender people's access to facilities consistent with the gender they live every day. In some cases, these protections have been in place for decades. These laws have protected people from discrimination without creating harm. None of those jurisdictions have seen a rise in sexual violence or other public safety issues due to nondiscrimination laws. Assaulting another person in a restroom or changing room remains against the law in every single state. We operate and advocate for rape crisis centers and shelters all over the country, including in cities and states with non-discrimination protections for transgender people. Those protections have not weakened public safety or criminal laws, nor have they compromised their enforcement.

Nondiscrimination laws do not allow men to go into women's restrooms—period. The claim that allowing transgender people to use the facilities that match the gender they live every day allows men into women's bathrooms or women into men's is based either on a flawed understanding of what it means to be transgender or a misrepresentation of the law.

It may be hard to understand the experiences of transgender people, especially if you have never met a transgender person. We believe in respecting the identities of transgender people. Transgender people live in a society that often discriminates against them and makes it much harder for them to participate in the routines of daily life.

The efforts to ban transgender people from using public restrooms obscures the fact that all of us, including transgender people, are deeply concerned about safety and privacy in restrooms. Transgender people already experience unconscionably high rates of sexual assault—and forcing them out of facilities consistent with the gender they live every day makes them vulnerable to assault. As advocates committed to ending sexual assault and domestic violence of every kind, we will never support any law or policy that

could put anyone at greater risk for assault or harassment. That is why we are able to strongly support transgender-inclusive non-discrimination protections—and why we oppose any law that would jeopardize the safety of transgender people by forcing them into restrooms that do not align with the gender they live every day.

It is natural to be concerned about safety and privacy. As advocates and survivors, we know the threat of sexual assault is real and pervasive. Every time we hear of someone who speaks of their assault or abuse, we feel their pain. The safety fears that many have, especially those who are survivors, are not baseless or irrational, nor should they be dismissed. However, discriminating against transgender people does nothing to decrease the risk of sexual assault.

Discriminating against transgender people does not give anyone more control over their body or security. Those who perpetuate falsehoods about transgender people and nondiscrimination laws are putting transgender people in harm's way and making no one safer. We cannot stand by while the needs of survivors, both those who are transgender and those who are not, are obscured in order to push a political agenda that does nothing to serve and protect victims and potential victims. We will only accomplish our goal of ending sexual violence by treating all people, including those who are transgender, with fairness and respect.

National Organizations:

9to5 National Association of Working Women, Alliance for HOPE International, Alliance for Strong Families and Communities, American Association of University Women, American Dance Therapy Association, American Psychological Association, Asian Pacific Institute on Gender Based Violence, Battered Women's Justice Project, Break the Cycle, Center for Women Policy Studies, End Violence Against Women International, Faith Trust Institute, Futures Without Violence, Hollaback!, Jewish Women International.

Just Detention International, Know Your IX, Legal Momentum, Men As Peacemakers, Men's Story Project, National Alliance for Partnerships in Equity (NAPE), National Alliance to End Sexual Violence, National Center for Victims of Crime, National Center on Domestic and Sexual Violence, National Coalition Against Domestic Violence, National Clearinghouse for Defense of Battered Women, National Council of Jewish Women, National Domestic Violence Hotline, National Housing Law Project, National Indigenous Women's Resource Center, National Latina@ Network: Casa de Esperanza.

National Network to End Domestic Violence, National Organization for Men Against Sexism, National Organization for Women, National Organization of Asian Pacific Islanders Ending Sexual Violence, National Organization of Sisters of Color Ending Sexual Assault, National Organization for Victim Assistance, National Resource Center on Domestic Violence, National Women's Law Center, Praxis International, Resource Sharing Project, Stop it Now!, Support Network of Advocates for Protective Parents, UltraViolet, Women of Color Network, YWCA.

Ms. BONAMICI. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MORAN), a member of the Committee on Education and the Workforce.

Mr. MORAN. Madam Speaker, today, I rise in support of H.J. Res. 165 introduced by Congresswoman MILLER.

It is disheartening that there is even a need for this legislation, but it is needed because President Biden has led a crusade against biological reality and common sense.

This new Title IX rule erodes underlying protections for women and girls. As a father of two young ladies, I can tell you that I am devastated and appalled by the action of the Department of Education.

Title IX was written to protect women by ensuring equal opportunities for young women and girls in educational programs. However, this new rule, promoted by radical ideologies, shatters it by redefining “sex” to include sexual orientation and gender identity.

By redefining “sex” under Title IX, the administration will effectively allow biological males into female-only spaces, including locker rooms and bathrooms.

Additionally, this Biden rule will impact women's sports as the final rule does not create any carve-out for women's athletics. Under this rule, local school districts will be required to allow biological men to compete in women's sports or risk losing their funding.

Contrary to the administration's new rule, this resolution today guarantees a level playing field to uphold athletics' core principles of integrity and fairness, and it reaffirms that boys will be boys and girls will be girls.

Democrats are weaponizing the Department of Education by blurring the lines between men and women, and this new rule blatantly disregards common sense and the natural laws of this world and, frankly, of God, putting women and girls at a disadvantage and a risk. It is vital that we pass this Congressional Review Act to uphold the original intent of Title IX.

We must vote to protect our girls and our women in support of this resolution and dismantle the left's radical ideology and undo this nonsensical rule by the Department of Education. We must pass this resolution.

Ms. BONAMICI. Madam Speaker, I yield myself such time as I may consume.

I just want to respond to “the natural laws of this world.” It is not a new concept. There are two-spirit people in Native-American culture. There are hijra people in South Asia and many more in Judaism. For example, the Talmud, the sacred text, lists six genders. The sky is not falling.

I also note that the gentleman referred to redefining “sex” to include sexual orientation and gender identity as some sort of novel or woke concept. I suggest you take that up with the Trump-appointed Justice Neil Gorsuch because he wrote the opinion making clear that sex discrimination includes discrimination based on sexual orientation and gender identity.

I include in the RECORD letters from the American Library Association, the National Education Association, and

the Consortium for Constituents with Disabilities. These three letters are all in opposition to H.J. Res. 165.

ALA AMERICAN LIBRARY ASSOCIATION,

June 11, 2024.

Re H.J. Res. 165, Title IX rule disapproval—**OPPOSE**

Hon. VIRGINIA FOXX,
Chairwoman, Committee on Education and the Workforce, US House of Representatives.

Hon. ROBERT C. “BOBBY” SCOTT,
Ranking Member, Committee on Education and the Workforce, US House of Representatives.

DEAR CHAIRWOMAN FOXX AND RANKING MEMBER SCOTT: On behalf of the American Library Association (ALA), I write to respectfully oppose H.J. Res. 165, “Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ‘Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.’”

The Department of Education's Title IX rule, issued April 29, 2024, applies the Supreme Court's ruling in *Bostock v. Clayton County*, 590 U.S. 644 (2020), to codify that Title IX prohibits discrimination on the basis of sexual orientation or gender identity. By doing so, the rule clarifies that recipients of Education Department funding may not discriminate against LGBTQI+ library workers or students in employment opportunities or the delivery of library services (e.g., removal of library materials in a discriminatory manner).

All Americans deserve equal opportunity in education, employment, and the freedom to read. We urge Congress to defend the rights of students and library workers by rejecting H.J. Res. 165. If we can provide more information, please contact Gavin Baker (gbaker@alawash.org).

Sincerely,

Alan S. Inouye, Ph.D., Senior Director,
Public Policy & Government Relations and
Interim Associate Executive Director, American Library Association.

NATIONAL EDUCATION ASSOCIATION,

June 12, 2024.

Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Education Association's 3 million members and the 50 million students they teach and support in public schools and public colleges and universities, we appreciate the opportunity to offer comments for the Committee's markup of H.R. 7227, the Truth and Healing Commission on Indian Boarding School Policies Act, and H.J. Res. 165, pertaining to the Department of Education rule regarding nondiscrimination in education programs and activities receiving federal funding.

We urge you to vote YES on H.R. 7227 and NO on H.J. Res. 165. Votes related to these issues may be included in the NEA Report Card on the 118th Congress.

H.R. 7227, THE TRUTH AND HEALING COMMISSION ON INDIAN BOARDING SCHOOL POLICIES ACT

NEA members are grateful to the Committee for your leadership—especially significant when there is such division in our nation—in advancing H.R. 7227. The bill's bipartisan sponsorship signals that it is still possible for us to come together, regardless of political party, to illuminate historical wrongs.

The Truth and Healing Commission on Indian Board School Policies Act will shine a light on the impact of Indian boarding schools on the hundreds of thousands of American Indian, Alaska Native, and Native Hawaiian children who were taken from

their families and Tribes from at least 1860 until 1978. The schools were not places of education; they were tools for colonization, assimilation, and genocide. Many children died, went missing, or were murdered while in the custody of the boarding schools, and those who survived were often the victims of physical, sexual, psychological, and spiritual abuse. The schools caused the loss of connection to language, culture, families, and Tribes.

H.R. 7227 would provide for a full inquiry into the policies of the boarding schools through locating church and government records, compiling evidence of the ongoing effects of intergenerational trauma, and collecting testimony from survivors and Tribes. Information resulting from the inquiry would be shared with the public within five years.

H.J. RES. 165, PERTAINING TO THE DEPARTMENT OF EDUCATION RULE REGARDING NON-DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FUNDING

H.J. Res. 165 would undo the recent Title IX rule protecting LGBTQI+ students, survivors of sexual violence or harassment, and students who are pregnant or parents. It must be rejected because it would undercut the U.S. Department of Education's recently finalized rule reinforcing and restoring Title IX's protections, which are meant to ensure that every student has the right to a safe and welcoming learning environment, free from sex discrimination.

The Department of Education updates clarify Title IX's protections against discrimination on the basis of sexual orientation and gender identity, at a time when 83% of LGBTQI+ youth report in-school victimization, yet 62% of those who have been victimized never inform school staff of the incident. The Title IX updates will clarify remedies for students facing sex-based harassment, hold school officials accountable for fostering safer school environments, and ensure that LGBTQI+ youth can participate equally in educational opportunities, ranging from attending the restroom that corresponds with their gender identity, to going to prom with the person of their choice.

H.R. 7227 moves our nation forward on the path to healing and reconciliation, while H.J. Res. 165 pushes us backward in our ongoing work to protect the civil rights and safety of us all. Please vote YES on H.R. 7227 and NO on H.J. Res. 165.

Sincerely,

MARC EGAN,
*Director of Government Relations,
National Education Association.*

CONSORTIUM FOR CONSTITUENTS
WITH DISABILITIES,

JUNE 12, 2024.

Hon. VIRGINIA FOXX,
Chair, House Education and Workforce Committee, Washington, DC.

Hon. BOBBY SCOTT,
Ranking Member, House Education and Workforce Committee, Washington, DC.

DEAR CHAIRWOMAN FOXX AND RANKING MEMBER SCOTT: The Consortium for Constituents with Disabilities (CCD) Education Task Force and Rights Task Force are writing to oppose House Joint Resolution (H.J. Res) 165 which intends to negate the rule submitted by the Department of Education (ED) relating to “Nondiscrimination based on Sex in Education Programs or Activities Receiving Federal Financial Assistance” (known as Title IX). As finalized by ED, the Title IX regulation includes important provisions that positively impact and support all K–16 students with disabilities, including those who identify as Black, Indigenous, or People of Color (BIPOC) and/or may also

identify as LGBTQI+. We therefore urge members of the Education and Workforce Committee to vote 'no' if H.J. Res. 165 is brought before the Committee.

CCD advocated for the much-needed updates to the Title IX regulations as it is well documented that students with disabilities, including those who identify as BIPOC and/or LGBTQI+ already face additional barriers to K-16 education. Specifically, updates to Title IX include changes that:

- ensure schools address broader Title IX complaints of sex-based harassment;
- ensure students are not forced into unfair and/or potentially traumatic procedures that favor harassers;

- require Title IX coordinators to consult with one or more members of a [eligible] student's Individualized Education Program (IEP) team or Section 504 team; and,

- allow college students to have access to someone in an advisory role during the process.

Importantly, the improvements clarify that federal due process rights of students with disabilities must not be ignored and that these students must be treated equitably during the Title IX process. This was not the case prior to the issuance of this rule.

We appreciate this opportunity to weigh in and hope you will reconsider the mark-up of H.J. Res 165.

Sincerely,

CCD Education Task Force co-chairs:

STEPHANIE FLYNT,
National Disability Rights Network (NDRN).

LAURA KALOI,
Council of Parent Attorneys and Advocates and the Center for Learner Equity.

LINDSAY KUBATZKY,
National Center for Learning Disabilities.

ROBYN LINSOTT,
The Arc of the United States.

KIM MUSHENO,
Autism Society of America.

CCD Rights TF co-chairs:

CLAUDIA CENTER,
Disability Rights Education Fund.

MORGAN K. WHITLATCH,
Center for Public Representation.

Ms. BONAMICI. Madam Speaker, I continue to reserve the balance of my time.

□ 1400

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Madam Speaker, I thank Congresswoman FOXX for her leadership and friendship. You are a pretty cool lady.

Madam Speaker, Title IX of the Civil Rights Act was passed to protect women from being unfairly denied opportunities in education and sports.

Can you imagine drawing the short stick and having to defend allowing men to compete in women's sports and take trophies from young ladies or even careers away from hardworking female athletes?

Of course, the most famous time this happened was when my friend Riley

Gaines tied with a man in her swim meet—I say “man” in lower case letters but she didn't get a trophy because they wanted to give it to him instead. They also had to suffer the punishment of having to see this guy walk around without any clothes on and his lack of manhood, I guess.

I recently asked Riley about men competing in women's sports in a committee hearing. She said that some men started competing before they were taking hormones. She also said something we already knew: Hormone treatments don't alter a man's bone structure, lung capacity, or his height.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Madam Speaker, I yield the gentleman from Tennessee an additional 15 seconds.

Mr. BURCHETT. Hormones don't alter many other attributes that give men physical advantages over women. She talked about how allowing men into women's sports endangers their physical safety. We see more instances of this than Democrats and the mainstream media would have you believe.

A high school volleyball player got a concussion. We also saw a boxer withdraw from a match to protect herself when she learned her opponent was a biological male. A high school field hockey player had her teeth knocked out.

I strongly support protecting female athletes and rejecting this rule by an administration that has completely abandoned them.

Ms. BONAMICI. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from New York (Ms. TENNEY).

Ms. TENNEY. Madam Speaker, I thank Chairwoman FOXX for leading on this very important issue.

As a former athlete in high school, college, and beyond, I know the unparalleled opportunities that sports offer to women and girls.

Title IX and its mission to end discrimination against women in sports made so much of this possible for me and countless other women over the years.

Today, these opportunities for women and girls are under threat.

Joe Biden's Department of Education is requiring that schools allow biological males to participate in women's sports. This is fundamentally unfair. It deprives women and girls of what so many of us fought for decades to achieve: equal opportunity to train, compete, and excel in athletics.

Today, we take a stand in defense of women's sports and to stop this dangerous precedent.

This is why I am honored to be an original cosponsor of this Congressional Review Act to overturn the Biden administration's radical rule to allow biological men in women's sports.

The CRA will protect opportunities for women and girls to compete fairly

on the athletic field. Without interference, the woke Biden agenda will continue further.

Ms. BONAMICI. Madam Speaker, how much time do I have remaining.

The SPEAKER pro tempore. The gentleman from Oregon has 9¼ minutes remaining.

Ms. BONAMICI. Madam Speaker, I yield myself such time as I may consume.

I want to note in the big picture as we consider this conversation today, LGBTQ youth and trans youth are more likely to have experienced sexual violence than their straight counterparts.

Further, nearly 59 percent of LGBTQI+ students report experiencing discriminatory policies and practices at school, particularly those targeting students' gender and limiting their ability to participate in activities consistent with their gender identity.

Madam Speaker, 62 percent of LGBTQ students who were harassed or assaulted at school did not report the incident because they don't feel safe. This is creating hostile environments that are leading to adverse outcomes for LGBTQ students.

The report that I mentioned found that students who experienced discrimination and higher levels of victimization have higher dropout rates, lower academic performance, and increased mental health issues such as anxiety, depression, and suicidal ideation.

Madam Speaker, 68 percent of the students reported feeling unsafe at school because of their sexual orientation, gender identity, and/or gender expression.

We should not be creating this hostile school climate that is making students feel unsafe because of who they are.

I want to again encourage my colleagues to think about the message that this is sending to students, that they do not belong, that they are not safe in their schools. This is the Education and the Workforce Committee. We should be making students feel safe, not making them feel threatened.

Madam Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. LOPEZ), our newest Member in Congress.

Mr. LOPEZ. Madam Speaker, the Biden administration's newly proposed Title IX rule is yet another example of how we are losing our moral compass.

This new rule diminishes the undeniable respect that we must as a society extend to all women. It completely destroys the distinctions between men and women and forces schools to allow men into private women's spaces, including locker rooms and bathrooms.

Make no mistake about it, under this proposed rule, women will be compelled to change with and go to the bathroom next to naked men. That simply cannot stand. I urge my colleagues to support this resolution.

Ms. BONAMICI. Madam Speaker, I yield myself the balance of my time for the purpose of closing.

The Biden-Harris administration's Title IX rule is a necessary step in protecting all Americans from sex-based harassment and discrimination. It would uplift and empower survivors while holding schools accountable for their handling of these sensitive cases.

This Congressional Review Act that Republicans have put forward undermines the rights of survivors of sexual assault and advances a baseless, prejudiced narrative against LGBTQI+, especially transgender, individuals.

I am incredibly frustrated that Republicans are spending time obsessing over what bathroom is used instead of addressing the real problems faced by women and children.

I also include in the RECORD, Madam Speaker, a Statement of Administrative Policy providing for congressional disapproval under chapter 8 of title 5 of the United States Code. If this President were presented with H.J. Res. 165, he would veto it, and for good reason because this bill takes us back.

STATEMENT OF ADMINISTRATION POLICY

H.J. RES. 165—PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO "NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE"

The Administration strongly opposes H.J. Res. 165, which would disapprove the Department of Education's rule, under Title IX of the Education Amendments of 1972, to restore and strengthen vital nondiscrimination protections for students, employees, and applicants in federally funded education programs and activities.

Since Title IX was signed into law more than 50 years ago, it has opened doors for generations of women and girls and increased access to educational opportunities for millions of students. Despite this progress, rates of sexual harassment and assault in our nation's schools and colleges remain unacceptably high. Many women see their education derailed because of pregnancy discrimination. And many LGBTQI+ students face bullying and harassment just because of who they are.

The Department's rule is critical to ensuring that no person experiences sex discrimination at school. The rule provides protection from sex-based harassment, including sexual violence; promotes accountability and fundamental fairness through a fair, transparent, and reliable process; and ensures that students, employees, and families understand their rights and that institutions know their responsibilities. The rule also advances educational equity by requiring schools that have knowledge of possible sex discrimination in their education programs or activities to take prompt and effective action to end the sex discrimination, prevent its recurrence, and remedy its effects. Passage of H.J. Res. 165 would eliminate these critical protections that keep students safe and able to realize their full potential.

The promise of Title IX—an education free from sex discrimination—remains as vital now as it was when the law was enacted. The Administration will continue to fight tirelessly to realize this promise and achieve equal opportunity for all students and all Americans.

If the President were presented with H.J. Res. 165, he would veto it.

Ms. BONAMICI. We have made progress in making every student feel safe and be safe in schools.

I once again encourage my colleagues to vote "no" on this harmful and extreme joint resolution for the sake of women, the LGBTQI community, and survivors across the Nation.

Again, Madam Speaker, yesterday we were talking about dignity for dishwashers. Please show some dignity for people who are being discriminated against because of who they are and who they love.

Madam Speaker, I yield back the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, we have heard a lot of misleading comments today, as I said earlier—misleading verging on untruths.

The Department isn't following court precedent. In Bostock, the Supreme Court specifically warned against applying its decision in that case to Title IX or any other civil rights law preventing sex discrimination.

In addition, there is currently a split among Federal appeals courts on this issue. In January of last year, the Eleventh Circuit held that a school district's policy requiring people to use the bathroom that corresponds with the student's biological sex is allowed under Title IX.

As I said earlier, we are not misleading or scaring the American people. All people have to do is read this regulation to see that schools are not allowed to prevent a person from participating in an educational program or activity consistent with the person's gender identity. There are exceptions, but athletics are not included. A biological man can announce that he feels like a girl or a woman and go into the bathroom with women and girls if he chooses to do so based on this rule.

In addition, three separate Federal district court judges in three separate cases have already taken action to block the rule from going into effect in the States involved in those cases, which has been alluded to. One judge called the regulation "an abuse of power." The other judge called the regulation "an attempt by the executive branch to dramatically alter the purpose and meaning of Title IX."

Madam Speaker, this resolution to overturn President Biden's Title IX rule is a necessary step to keep the spirit of Title IX alive. My colleagues have eloquently talked about that.

H.J. Res. 165 is about fairness, safety, and ensuring that the playing field remains level for everyone. I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 1341, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. BONAMICI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SAFEGUARD AMERICAN VOTER ELIGIBILITY ACT

Mr. STEIL. Madam Speaker, pursuant to House Resolution 1341, I call up the bill (H.R. 8281) to amend the National Voter Registration Act of 1993 to require proof of United States citizenship to register an individual to vote in elections for Federal office, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1341, the amendment in the nature of a substitute recommended by the Committee on House Administration, printed in this bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 8281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguard American Voter Eligibility Act" or the "SAVE Act".

SEC. 2. ENSURING ONLY CITIZENS ARE REGISTERED TO VOTE IN ELECTIONS FOR FEDERAL OFFICE.

(a) *DEFINITION OF DOCUMENTARY PROOF OF UNITED STATES CITIZENSHIP.*—Section 3 of the National Voter Registration Act of 1993 (52 U.S.C. 20502) is amended—

(1) by striking "As used" and inserting "(a) IN GENERAL.—As used"; and

(2) by adding at the end the following:

"(b) *DOCUMENTARY PROOF OF UNITED STATES CITIZENSHIP.*—As used in this Act, the term 'documentary proof of United States citizenship' means, with respect to an applicant for voter registration, any of the following:

"(1) A form of identification issued consistent with the requirements of the REAL ID Act of 2005 that indicates the applicant is a citizen of the United States.

"(2) A valid United States passport.

"(3) The applicant's official United States military identification card, together with a United States military record of service showing that the applicant's place of birth was in the United States.

"(4) A valid government-issued photo identification card issued by a Federal, State or Tribal government showing that the applicant's place of birth was in the United States.

"(5) A valid government-issued photo identification card issued by a Federal, State or Tribal government other than an identification described in paragraphs (1) through (4), but only