

To Fulfill the ‘Commitment to America,’ We Must Stop the Weaponization of Title IX

January 26, 2023

Dear Member of Congress:

House Republicans have united in support of Speaker Kevin McCarthy and his *Commitment to America*.¹ In his acceptance statement on January 7, 2023 newly elected Speaker McCarthy promised,

"We're going to pass bills to fix the nation's urgent challenges – [including the] woke indoctrination in our schools."

Five of the *Commitment to America* principles aim to curtail the Marxist-inspired efforts which seek to weaponize the time-tested sex discrimination law, Title IX of the Education Amendments of 1972:

1. "Conduct rigorous oversight to rein in government abuse of power:" The Office for Civil Rights (OCR) has abused its power by proposing to change the definition of "sex," a change that only Congress can make;
2. "Curb wasteful government spending;"
3. "Advance the Parents' Bill of Rights;"
4. "Defend fairness by ensuring that only women can compete in women's sports;" and
5. "Uphold free speech" and "guarantee religious freedom."

These actions also enjoy the broad support of the American public.²

Needed Actions

Numerous members of Congress have spoken out in opposition to Biden's recently proposed regulatory changes to the Title IX law (see Appendix below). Based on the above five *Commitment to America* principles, the undersigned organizations urge our federal lawmakers to achieve the following during the 118th Session of Congress:

1. Pursuant to H. Res 12, SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT,³ investigate how the U.S. Department of Education has collaborated with private sector and non-profit entities to alter the regulatory definitions of "sex" and "sexual harassment," with the aim of changing the foundational legal definition of "sex" and infringing on First Amendment free speech rights.

¹ <https://www.republicanleader.gov/commitment/>

² <https://www.saveservices.org/2022/06/63-of-americans-oppose-expanding-definition-of-sex-to-include-gender-identity/>

³ <https://www.congress.gov/bill/118th-congress/house-resolution/12>

2. Reduce the appropriations to the U.S. Department of Education’s Office for Civil Rights (OCR) by \$25 million. (The OCR appropriation in FY 2022 was \$131 million.⁴)
3. Conduct hearings on experimental medical practices involving gender transition of under-age children, e.g., puberty blocking drugs, opposite-sex hormones, breast removal, and castration.⁵
4. Vigorously oppose passage of the Students’ Access to Freedom and Educational Rights (SAFER) Act, introduced in December 2022.
5. Oppose legislation that seeks to expand definitions of “sexual harassment,” promote “trauma-informed” investigations, or seek to weaken free speech, due process, or the presumption of innocence.
6. Work for the passage of the following legislation:
 - a. Parents Bill of Rights Act⁶
 - b. Protection of Women and Girls in Sports Act⁷
 - c. Campus Free Speech Restoration Act⁸
 - d. Campus Equality, Fairness, and Transparency Act⁹

Threat to the Constitution and to Our Fundamental Values

The Title IX activists are seeking to broaden the powers of the Office for Civil Rights, marginalize the role of parents, promote gender transitioning among minors, make a mockery of fairness in women’s sports, and curtail free speech and due process.

We must not allow this to happen.

Sincerely,

32 National Organizations:

SAVE (Stop Abusive and Violent Environments)	Association of Mature Americans (AMAC) Action
American Association of Christian Schools (AACCS)	Center for Urban Renewal and Education (CURE)
American Association of Evangelicals (AAE)	Center for Military Readiness
American Council for Health Care Reform	Children First Foundation
American Family Association	Coalition of African-American Pastors, USA
Americans for Limited Government	Concerned Women for America LAC
American Principles Project	Conservative Caucus
American Values	Conservatives of Faith

⁴ <https://www2.ed.gov/about/overview/budget/budget23/justifications/z-ocr.pdf>

⁵ <https://www.washingtonexaminer.com/restoring-america/community-family/transgenderism-is-experiencing-a-crisis-of-scientific-legitimacy>

⁶ <https://www.congress.gov/bill/117th-congress/house-bill/6056>

⁷ <https://www.congress.gov/bill/117th-congress/house-bill/426?q=%7B%22search%22%3A%5B%22women%27s+sports%22%2C%22women%27s%22%2C%22sports%22%5D%7D&s=2&r=2>

⁸ <https://www.congress.gov/bill/117th-congress/house-bill/4007?q=%7B%22search%22%3A%5B%22free+speech%22%2C%22free%22%2C%22speech%22%5D%7D&s=1&r=4>

⁹ <https://www.saveservices.org/sexual-assault/cefta/>

ConservativeHQ.com
Dr. James Dobson Family Institute
Eagle Forum
FedUp PAC
Heritage Action
Katartismos Global
Law Offices of Barry S. Jacobson
Less Government
Men and Women for a
Representative Democracy in America

Mission America
Nationsnet.org
Nesenoff & Miltenberg LLP
Rule of Law Committee
60 Plus Association
Thin Blue Line Caucus
Tradition, Family, Property, Inc.
Washington Marketing Group
Women for Democracy in America

31 State-Level Organizations:

Alexander Hamilton Institute for the Study of
Western Civilization
American Life & Liberty PAC
California Association of Scholars
Child Protection League
Delaware Family Policy Council
Eagle Forum of Alabama
Eagle Forum of Georgia
Eagle Forum of Oklahoma
Eagle Forum of Tennessee
Eagle Forum of Texas
Eagle Forum of Virginia
Family Policy Institute of Washington (FPIW)
Frontline Policy Action
Girls Deserve Privacy
Greenwich Patriots

Idaho Freedom Foundation's Center for
American Education
Louisiana Family Forum
Louisiana Save Our Schools
Moms for Liberty, Bay County, Florida
Moms for Liberty, Carroll County, Maryland
Ohio Value Voters
Palm Beach Freedom Institute
Push Back Idaho
Rhode Island Center for Freedom &
Prosperity
Roughrider Policy Center
Southwest Policy Group
Texas Freedom Coalition
Texas Values
United Against Racism in Education (UARE)

Appendix

Statements by Federal Lawmakers Opposing the Department of Education's Proposed Title IX Regulation¹⁰

- **Rep. Kevin McCarthy:** House Republicans oppose:
 - “Department of Education attempt to erase scientific definitions of gender.
 - Department of Health and Human Services promoting transgender surgeries and puberty blockers as necessary for children’s health without evidence.”
- **Rep. Steve Scalise and Rep. Debbie Lesko:** “It is shameful that Democrats’ divisive politics and radical gender ideology ignore basic science and are destroying women’s sports that Title IX was created to protect.”
- **Rep. Virginia Foxx:** “For an administration that claims to carry the torch for ‘equality’, these proposed regulations are steeped in hypocrisy. Policies such as these serve one purpose, and one purpose only: to tilt the scales in favor of radical partisans.”
- **Rep. Greg Steube:** “President Biden’s reversal of Title IX is a slap in the face to every female athlete in this nation. It cancels biological sex – on teams, in locker rooms, in dorms, and in scholarship selections.”
- **13 Senators and 21 Representatives:** “The Department of Education should promptly withdraw the rule and instead focus on upholding existing law and regulations consistent with our law.”
- **Senators Tom Cotton, Ted Cruz, Marsha Blackburn, Josh Hawley, Mike Lee, and Marco Rubio:** “Equally disturbing is the likelihood that your department will weaponize Title IX to force a radical gender ideology in K-12 classrooms.”
- **Senators Roger Wicker, Cindy Hyde-Smith, and 19 others:** “By contrast, the new proposed rule encourages institutions to adopt processes that have either been struck down or been viewed skeptically by multiple courts.”
- **Sen. Richard Burr:** The draft policy “threatens students’ Constitutional right to due process and the core American value of justice for all. The existing rule struck a balance that follows the law and is fair to both parties.”
- **Sen. Tom Cotton:** “If you don’t conform to the left’s new gender ideologies, you could lose your job or get kicked out of school. That’s what President Biden’s return to Obama’s Title IX means for students and faculty around the country.”
- **Sen. Marsha Blackburn:** “Regardless of the radical propaganda being pushed by the left, God created men and women differently from a physical standpoint, and that’s a biological fact.”
- **Sen. Steve Daines:** “On the 50th anniversary of Title IX, the Democrats have decided to push their damaging gender ideology in American schools – they are waging a woke war on women and girls.”

¹⁰ <https://www.saveservices.org/2022-policy/attorneys-general-and-lawmakers/>