

July 9, 2024

Dear Member of Congress:

### ACLU Urges NO Vote on H.J. Res. 165

The ACLU urges a NO vote on 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.’” Not only would this Congressional Review Act (CRA) resolution completely repeal the final rule issued by the U.S. Department of Education in April governing schools’ obligations to guarantee that all students, including survivors of sexual harassment, LGBTQ students, and pregnant and parenting students, have full and equal access to educational opportunities regardless of sex, it would also prevent this or any future administration from issuing a rule that is “substantially the same.”



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Every student in this country has the right to equal educational opportunities without being subjected to discrimination and harassment based on sex or sex stereotypes. Students also have the right to fair processes in school disciplinary proceedings. This CRA resolution would take a sledgehammer to the government’s ability to further both of these critical goals by discouraging - and potentially blocking altogether - future rulemaking on these topics, as well as on a wide range of related issues covered in the 423-page final rule.

Even those - like the ACLU - who are critical of provisions in the final rule that fall short by failing to mandate certain procedural protections that complainants and respondents should have in university disciplinary proceedings should strongly oppose this resolution because it could be used to prevent future rulemaking to ensure fair processes in school disciplinary proceedings.

Stripping critical civil rights protections from LGBTQ students and students who are pregnant and parenting - as this CRA resolution would do - is something that all members of Congress should strongly oppose. This is also not how Congress should act to protect the rights of students who face disciplinary action under Title IX. **For all of these reasons, the ACLU urges a NO vote on H.J. Res. 165.**

Sincerely,

A handwritten signature in blue ink that reads "Mike Zamore".

Mike Zamore  
National Policy and Government  
and Affairs Director

A handwritten signature in blue ink that reads "Ian Thompson".

Ian Thompson  
Senior Legislative Advocate