

United States Senate

May 31, 2022

The Honorable Miguel Cardona
Secretary
Department of Education
500 Maryland Avenue, SW
Washington, DC 20202

Secretary Cardona,

It is my understanding that the Department of Education is currently considering a proposed regulation that would modify Title IX implementation to adhere to the progressive priorities of the Biden administration. The Department has previously indicated that this effort would, among other things, require schools to allow biological males to compete in female sports. Any such weakening of current Title IX protections would amount to a reversal of 50 years of progress for women and girls in sports and an offense to every woman who has ever benefited from the enactment of the law. Title IX has fostered generations of female athletes who would otherwise never have been afforded the same opportunities as their male counterparts; yet this Administration seeks to tear down their achievements in an effort to further its own progressive agenda.

Title IX of the Education Amendments of 1972 codified that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...”¹ The phrase “on the basis of sex” established equal treatment and funding for men and women’s sports under law. The law revolutionized athletics and created countless opportunities for female athletes. Since enactment of this critical legislation, girls’ participation in high school sports has grown from less than 300,000 to nearly 3.5 million². Over the same time period, female participation in collegiate sports has risen by more than 600 percent.³ These numbers are not merely incidental; they are the direct results of the protections Title IX has provided to women and girls. As we observe the 50-year anniversary of Title IX, these statistics should be celebrated, not used as a reason to upend the statute in the name of social experimentation.

¹ <https://www.justice.gov/crt/title-ix-education-amendments-1972>

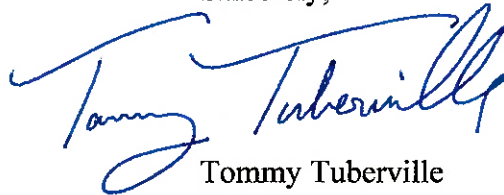
² <https://www.edweek.org/leadership/statistics-on-school-sports-how-many-students-play-sports-which-sports-do-they-play/2021/07#:~:text=Since%20the%20early%201970s%20when,of%20State%20High%20School%20Associations%20>

³ <https://www.billiejeanking.com/equality/title-ix/#:~:text=The%20law%20opened%20doors%20and,1057%20percent%20and%20by%20614>

Press reports indicate that your proposed regulation will allow biological males to compete in divisions that have been previously reserved only for females. This proposition has already received criticism from across the country. Twenty-one attorneys general have voiced opposition to this proposed regulation, as it forces radical changes concerning sexual orientation and gender identity policies on nearly every employer and school across the nation⁴. So far, thirteen states have enacted bills that prohibit transgender athletes from competing in female athletics to guarantee a level playing field. I plan to lead efforts against this misguided policy to ensure no federal action will negatively impact female athletics and erode these long-standing protections for women and girls.

The entire country is watching while this Administration destroys opportunities for generations of women and girls at the behest of liberal extremism. This proposed policy reversal will affect how women and girls approach athletics from this point forward. It will affect the decisions families make about what activities their children join. It will undermine the principle of “fairness” in all educational settings moving forward. This effort is bigger than a minority of progressive voices on the left, and I urge you to reconsider these monumental changes.

Sincerely,

A handwritten signature in blue ink that reads "Tommy Tuberville". The signature is fluid and cursive, with a large initial "T" and a long horizontal stroke extending across the top.

Tommy Tuberville
U.S. Senator

⁴ <https://www.alabamaag.gov/newsviewer/99299073-0200-4da5-86e8-1a9834043315>