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Women & Families
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Reform Judaism
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Maya Wiley

June 16, 2025

David Taggart
Office of the General Counsel
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

RE: RIN 1903-AA22 Rescinding Regulations Related to Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Dear Mr. Taggart,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 57 undersigned organizations, we offer the following **significant, adverse comments** in opposition to the Department of Energy's direct final rule, "Rescinding Regulations Related to Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," published in the Federal Register on May 16, 2025 and **urge its immediate withdrawal**. This direct final rule is inconsistent with our civil rights laws, undermines the protections they provide, and has been issued through an inappropriate process.

Our nation's civil rights laws are a promise made by Congress to the American people that they will be free from the burdens of discrimination and that their constitutional rights and human dignity will be respected. Rescinding critical protections, which ensure women and girls have opportunities to participate in educational programs, undermines that promise. The existing regulation allows schools to take proactive steps to help overcome the effects of discrimination that have resulted in the underrepresentation of women and girls in certain educational fields, such as in Science, Technology, Engineering, and Mathematics (STEM) fields and technical training.

All students benefit from diverse learning environments, but despite some progress toward gender equity, women — and particularly women of color — continue to be underrepresented in certain fields of study, like STEM. Gender-conscious programs help overcome the effects of discrimination that have prevented women and girls from pursuing certain educational studies and careers. Schools can and should create policies to increase the participation of women and girls in fields where they continue to be underrepresented,

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including by offering programs, scholarships, and other services to expand the participation of women and girls.

While there is no administrative process that would justify the undermining of the spirit and purpose of Title IX, the use of the direct final rule process in this instance reinforces the inappropriateness of the agency's action. The direct final rule process is intended for merely technical or noncontroversial rules that are unlikely to raise objections. Failing to ensure that schools can help overcome the effects of discrimination that have long prevented women and girls from pursuing certain fields of study or careers is surely controversial.

The Department of Energy's direct final rule, "Rescinding Regulations Related to Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," must be immediately withdrawn, and the agency must instead focus on robust enforcement of the underlying law and existing regulation. If you have any questions or need additional information, please contact Liz King, educational equity senior program director, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
The Leadership Conference Education Fund
The Advocacy Institute
Advocates for Youth
AFL-CIO
AFT
Alliance to Reclaim Our Schools
American Atheists
American Humanist Association
Arab American Institute (AAI)
Aspira Charter Schools of IL
ASPIRA of the Mid-Atlantic
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazelon Center for Mental Health Law
Brown's Promise
Center for Public Representation
CenterLink: The Community of LGBTQ Centers
Clearinghouse on Women's Issues
The Community Equity Initiative at NYU School of Law
Disability Rights California
Education Law Center-PA
Equal Justice Society
Equality California

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Equality Ohio
Family Equality
Family Voices NJ
Feminist Majority Foundation
FL National Organization for Women (FL NOW)
Georgia Coalition for the Peoples Agenda
Gibson-Banks Center for Race and the Law, University of Maryland Francis King Carey School of Law
Greater Orlando National Organization for Women (Greater Orlando NOW)
Honesty for Ohio Education
Impact Fund
Indianapolis Urban League
Japanese American Citizens League
Jax NOW
Justice in Aging
Lawyers' Committee for Civil Rights Under Law
Lawyers for Good Government
Michigan Alliance for Special Education
National Action Network
National Association of Councils on Developmental Disabilities
National Association of Social Workers
National Center for Youth Law
National Education Association
National Employment Lawyers Association
National Partnership for Women & Families
NETWORK Lobby for Catholic Social Justice
North Carolina Justice Center
PolicyLink
Positive People Network, Inc.
SAGE
Service Employees International Union (SEIU)
Silver State Equality
SPAN Parent Advocacy Network
Teach for America
WorkLife Law