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Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202-1100

Re: Direct Grant Programs, State-Administered Formula Grant Programs, 88 Fed. Reg. 10857 (February 23, 2023)

The National Women's Law Center (NWLC) appreciates the opportunity to submit this comment to the Department of Education's (ED) proposed rule, "Direct Grant Programs, State-Administered Formula Grant Programs"[1] (the Proposed Rule). NWLC fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. NWLC uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—with a particular focus on women of color, LGBTQI+ people, and low-income women and families. For 50 years, NWLC has been on the leading edge of every major legal and policy victory for women.

Our experience demonstrates the importance of ensuring broad enforcement of civil rights laws for marginalized students so they can access the full benefits of an education. We thus applaud ED for proposing to rescind 34 C.F.R. §§ 75.500(d) and 76.500(d) of the 2020 Rule (the 2020 Rule), which facilitate student organizations' ability to discriminate against students on the basis of religious beliefs.[2] Below are the reasons we support rescinding these discriminatory provisions. We also urge ED to rescind the unnecessary, harmful expansion of the "controlled by" test under 34 C.F.R. § 106.12(c), which facilitates schools' ability to discriminate in the name of religion in their educational programs, including in admissions and hiring.

I. By rescinding the 2020 Rule, which requires public colleges and universities to allow religious student groups to opt out of nondiscrimination requirements, the Proposed Rule promotes consistency with U.S. Supreme Court precedent, furthers the goals of civil rights laws, and does not unlawfully expand ED's authority.

Sections 75.500(d) and 76.500(d) of the 2020 Rule make it a material condition of receipt of Direct grants and State-Administered Formula grants that public institutions of higher education (IHEs) cannot deny religious student organizations "any right, benefit, or privilege that is otherwise afforded to other student organizations" (including full access to the public IHE's facilities and official recognition of the organization by the IHE) on the basis of the organization's "beliefs, practices, policies, speech, membership standards, or leadership standards."[3] Thus, rather than allowing schools to apply their nondiscrimination policies to

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[1] Direct Grant Programs, State-Administered Formula Grant Programs, 88 Fed. Reg. 10857, Docket No. ED-2022-OPE-0157, RIN 1840-AD72 (proposed Feb. 22, 2023), https://www.federalregister.gov/documents/2023/02/22/2023-03670/direct-grant-programs-state-administered-formula-grant-programs [hereinafter "Proposed Rule"].
[2] Direct Grant Programs, State-Administered Formula Grant Programs, Non-Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, and Strengthening Historically Black Graduate Institutions Program, 85 Fed. Reg. 59916, Docket No. ED-2019-OPE-0080, RIN 1840-AD45 (finalized Sept. 23, 2020), https://www.federalregister.gov/documents/2020/09/23/2020-20152/direct-grant-programs-state-administered-formula-grant-programs-non-discrimination-on-the-basis-of [hereinafter, "2020 Rule"].
[3] 34 C.F.R. §§ 75.500(d), 75.600(d).

religious and non-religious student organizations equally, the 2020 Rule effectively created a new exemption for religious organizations by allowing them, and them alone, to discriminate on protected bases otherwise prohibited by the school, if they do so with reference to their "membership standards" and other policies. This means that if a religious student club refuses to include women, pregnant people, people of color, LGBTQI+ people, immigrants, or disabled people, the school could not decline to recognize the club or deny it funding.

The 2020 Rule has effectively forced IHEs to exempt religious student groups from complying with viewpoint-neutral nondiscrimination policies to avoid risking federal funding. However, the 2020 Rule contravenes a Supreme Court ruling that religious student groups cannot be exempt from nondiscrimination policies that other student groups must comply with, and thus has created confusion amongst IHEs about what they are required to do to avoid noncompliance and jeopardizing their federal funding. Finally, the 2020 Rule purported to vest ED with the authority to enforce compliance with the agency's *own* view of First Amendment requirements—which is the responsibility of the courts and exceeds ED's Congressionally-delegated authority. By rescinding the 2020 Rule, the Proposed Rule does the following: promotes consistency with Supreme Court precedent, thus clarifying what IHEs must do to comply with the First Amendment and maintain federal funding; ensures IHEs can further the goal of civil rights laws by enforcing their nondiscrimination policies equally among all student organizations; and, appropriately rolls back the 2020 Rule's unlawful expansion of ED's authority.

A. The 2020 Rule establishes a standard inconsistent with relevant legal precedent and has accordingly created widespread confusion among IHEs about their legal obligations.

The 2020 Rule contravenes established law, and thus has engendered confusion amongst IHEs as to their obligations under the First Amendment and civil rights laws. This confusion has inhibited IHEs' ability to continue to establish and enforce "all-comers" policies, or nondiscrimination policies that prohibit student groups from rejecting students from participating or holding leadership positions based on protected characteristics such as race, religion, disability and sex (including sexual orientation, gender identity, transgender or intersex[4] status, and pregnancy). Under the 2020 Rule, many IHEs are thus forced to choose between protecting students against the devastating effects of discrimination on their education and protecting institutional access to federal funding. Rescinding the 2020 Rule will eliminate this confusion by creating consistency with Supreme Court precedent interpreting the First Amendment and with IHE's obligations under civil rights laws.

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1. By limiting IHE's ability to enforce all-comers policies, the 2020 Rule prevents IHEs from promoting equity and protecting students' access to an education.

Student organizations can be a significant part of campus life for students. Research shows that participating in student organizations allows students to develop leadership skills, provides professional development and networking opportunities, and reduces student isolation and stress by fostering social connectedness.[5] Accordingly, many IHEs have robust nondiscrimination policies in place to ensure student groups accept all students, so the entire school community can access the benefits of participation.

IHEs typically condition official recognition of student groups on compliance with these all-comers policies. Official recognition from IHEs brings certain benefits, which enable student groups to attract new members and participate in campus life. These benefits include funding, use of campus spaces, use of school media (*e.g.*, school newspapers, newsletters) to promote the organization, and the ability to participate in student organization fairs. Students typically pay, as part of their tuition, a mandatory activity fee to fund these benefits.

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[4] "Intersex" refers to a person who is born with or naturally develops variations in sex-linked characteristics that do not fit binary definitions of "female" or "male" sex assigned at birth designations.

[5] *See, e.g.*, John D. Foubert & Lauren U. Grainger, *Effects of Involvement in Clubs and Organizations on the Psychosocial Development of First-Year and Senior College Students*, 43 NASPA JOURNAL 166 (2006), https://www.albany.edu/involvement/documents/effects_of_involvement.pdf; David M. Rosch & Jasmine D. Collins, *The Significance of Student Organizations to Leadership Development*, 155 NEW DIRECTIONS FOR STUDENT LEADERSHIP 9, 10 (2007), https://pubmed.ncbi.nlm.nih.gov/28834315.

The 2020 Rule, however, causes significant harm by forcing IHEs to grant student groups a "right to discriminate" on the basis of their religious beliefs, including by exempting them from all-comers policies. In this respect, the 2020 Rule effectively walls off many students from the academic and social benefits of participating in some student groups that seek to discriminate in the name of religion—especially LGBTQI+ students, women and girls, pregnant and parenting students, students who seek abortion or other reproductive healthcare, nonreligious students, and students of minority religions. Under the 2020 Rule, IHEs seeking to protect these vulnerable student groups from the corrosive impact of discrimination on their education—as required by federal civil rights statutes like Title IX—would be unable to without risking their federal funding.

The Proposed Rule promotes equity and fairness by ensuring IHEs can treat all student groups the same by equally enforcing all-comers policies. By rescinding the 2020 Rule's requirement that IHEs must officially recognize religious student groups that refuse to follow all-comers policies, the Proposed Rule ensures that no students will be forced to subsidize their own discrimination by paying a mandatory activity fee to fund student groups that discriminate against them based on legally protected characteristics. We support the Proposed Rule restoring the rights of marginalized students who were most likely to experience discrimination under the 2020 Rule by enabling IHEs to prevent discrimination on their campuses.

2. Rescinding regulations that compel IHEs to exempt religious student groups from nondiscrimination policies is consistent with established law.

The Supreme Court has made it clear that colleges and universities may establish and enforce nondiscrimination policies—and may deny recognition to student groups that do not comply with those policies—so long as those policies are viewpoint-neutral and apply to all student groups.[6] The First Amendment does not require that public IHEs treat religious student groups better than other student groups, only that they be treated *equally*.[7]

However, the 2020 Rule gives special rights to religious student groups by exempting them from nondiscrimination requirements all other student groups must comply with—directly contravening Supreme Court precedent.[8] Under the 2020 Rule, a public college would not be permitted to, for example, mandate that *all* student groups comply with a nondiscrimination policy in their membership standards as a condition of the school officially recognizing a student group, because the 2020 Rule effectively allows religious students groups to be exempt from nondiscrimination policies. This would be inconsistent with the Court's ruling in *Christian Legal Society v. Martinez*, which decided this precise issue, holding that IHEs may enforce all-comers policies equally and deny a religious student group official recognition if it refuses to follow such a policy—without offending a student group's free exercise rights.[9] The Court explained that exempting religious student groups from a nondiscrimination policy would constitute "preferential, not equal, treatment," and that such an exemption could not be justified by the Free Exercise Clause.[10] Yet, requiring this preferential treatment for religious student groups is precisely what the 2020 Rule did.

Martinez also made clear that IHEs should be permitted to "advance state-law goals through the school's educational endeavors," such as state nondiscrimination laws, so long as doing so does not contravene what the First Amendment requires.[11] The 2020 Rule, however, not only prevents states from enforcing federal civil rights laws barring discrimination in education, but their own state nondiscrimination laws against the public IHEs they fund. For example, if a state constitution bars sex discrimination, a state-funded public college would be barred from engaging in sex discrimination and therefore could not fund or recognize a student club that discriminates on that basis. Thus, the 2020 Rule puts states in the untenable position of having to choose between following their own nondiscrimination laws, which could result in the loss of federal funding under the 2020 Rule, or following the incorrect interpretation of the

[6] *Rosenberger v. Rector & Visitors of the Univ. Of Va.*, 515 U.S. 819 (1995); *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010).
[7] *Christian Legal Society*, 561 U.S. at 697 n.27.
[8] *Id.*
[9] *Id.* at 668–69.
[10] *Id.* at 697 n.27.
[11] *Id.* at 690.

First Amendment by the previous administration's ED in violation of state civil rights laws, which could result in lawsuits against the state.

By implementing a standard that conflicts with the law, the 2020 Rule created confusion amongst IHEs about their obligations under the Rule, First Amendment, and applicable local, state, and federal civil rights laws.[12] The 2020 Rule must be rescinded to ensure IHEs can comply with Supreme Court precedent and civil rights laws by enforcing all-comers policies equally against all student groups.

B. The Proposed Rule ensures ED does not exceed its authority.

The preamble to the 2020 Rule wrongly claimed that ED had authority to enforce and adjudicate compliance with its own view of what the First Amendment requires,[13] which was an inappropriate expansion of ED's authority. No office in ED had ever before been responsible for enforcing or investigating alleged violations of the First Amendment.[14] This is because Congress has never by statute or delegation vested ED with any authority to enforce the First Amendment, which ED has repeatedly recognized.[15] ED is not, by any stretch, the appropriate body for adjudicating First Amendment challenges. First Amendment questions implicating the intersection of free speech and free exercise rights are extremely fact-sensitive questions that implicate "a complex area of law with an intricate body of caselaw"—and ED does not have the expertise courts do in these matters.[16]

Even if the First Amendment was amenable to a straightforward, bright-line application such that ED could substitute its judgment for that of the federal judiciary, ED would still clearly lack any power or authority to enforce the First Amendment. Under the Trump administration, ED went far beyond its authority when it implemented the 2020 Rule. Accordingly, addressing this serious error clearly and directly by rescinding the 2020 Rule is the best course to prevent future *ultra vires* actions by ED.

II. ED should also rescind 34 C.F.R. § 106.12(c), which expanded the bases on which schools are "controlled by a religious organization" and thus eligible to claim religious exemptions from Title IX.

Title IX allows a school to claim a limited religious exemption from Title IX if the school is "controlled by a religious organization," to the extent a particular application of Title IX is inconsistent with a religious "tenet" of the organization.[17] Since 1977, ED has considered a school to be controlled by a religious organization if it meets one of three narrow criteria:[18]

- It is a divinity school.
- It requires students or employees to be members of the controlling organization's religion.

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[12] As the preamble notes, several commenters to the 2020 Rule raised concern that sections 75.500(d) and 76.500(d) could be interpreted to require IHEs to give religious student groups preferential treatment by exempting them from all-comers policies that would otherwise be compliant with the First Amendment; this incongruity between the regulatory text and Supreme Court precedent interpreting the First Amendment created uncertainty about what IHEs must do to avoid risking ED funding. Proposed Rule at 10860. *See also* Collin Binkley, *New Trump rule ties college funding to speech, faith rights*, WASHINGTON POST (Sept. 9, 2020), https://www.washingtonpost.com/politics/courts_law/new-trump-rule-ties-college-funding-to-speech-faith-rights/2020/09/09/175be846-f2e8-11ea-8025-5d3489768ac8_story.html (in response to the 2020 Rule, public universities expressed fear that the penalty of losing funding was "too severe" and that "it would be too easy to trigger a loss of funding" under the Rule).

[13] The preamble to the final 2020 Rule stated "[w]hether religious student orgs are denied the rights, benefits, and privileges as other student orgs is a discrete issue that ED may easily investigate," and provided the public with an email address in a November 2020 notice of proposed rulemaking to report alleged violations of sections 75.500(d) and 76.500(d). 2020 Rule at 59944–45; Notice of Reporting Process, 85 Fed. Reg. 75311 (Nov. 25, 2020), https://www.federalregister.gov/documents/2020/11/25/2020-26108/notice-of-reporting-process.

[14] Proposed Rule at 10861.

[15] *See, e.g.*, Dep't of Educ., Office of Civil Rights, *Case Processing Manual*, § 109 (Aug. 26, 2020); Dep't of Educ., Office of Civil Rights, *Dear Colleague Letter*, 2 n.7 (Oct. 26, 2010), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf; Dep't of Educ., Office of Civil Rights, *Dear Colleague Letter: Title VI and Title IX Religious Discrimination in Schools and Colleges* (Sept. 13, 2004), https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html.

[16] Proposed Rule at 10861.

[17] 20 U.S.C. § 1681(a)(3).

[18] 34 C.F.R. § 106.12(c)(1)–(3); Assurance of Compliance with Title IX of Education Amendments of 1972, HEW Form 639-A, 42 Fed. Reg. 15141, 15142-43 (proposed Mar. 18, 1997), https://www2.ed.gov/about/offices/list/ocr/docs/hew-form-639-a-1977.pdf. *See also* Memo from Harry M. Singleton, Ass't Sec'y for Civ. Rts. to Regional Civ. Rts. Directors, Re: Policy Guidance for Resolving Religious Exemption Requests 2 (Feb. 19, 1985), https://www2.ed.gov/about/offices/list/ocr/docs/singleton-memo-19850219.pdf.

- Its official documents say it is controlled by a religious organization or is committed to the doctrines of a religion, its governing board members are appointed by the religious organization, and it receives "a significant amount of financial support" from the religious organization.

This religious exemption was always intended to be narrow. When passing Title IX, Congress overwhelmingly rejected an amendment that would have allowed schools "closely identified with a religious organization" to claim religious exemptions. In addition, Congress chose to limit the applicability of Title IX only as to schools "controlled by" religious organizations even as Congress created broader religious exemptions in other statutes passed both before and after Title IX.[19] The Supreme Court has also repeatedly recognized that Title IX must be accorded "a sweep as broad as its language,"[20] consistent with Congress's broad intent in passing the statute to prevent federal dollars from supporting sex discrimination and to give individuals effective protection against sex discrimination in education.[21] As a result, any exemption from Title IX, including the religious exemption, should be narrowly construed.[22]

However, in 2020, the Trump administration finalized changes to § 106.12(c) of ED's Title IX regulations that now consider schools to be "controlled by a religious organization," even if they have only a tangential relationship (or, in some instances, no relationship at all) to religion. Currently, in addition to the three criteria mentioned above, a school may be exempted from aspects of Title IX inconsistent with a religious tenet if:[23]

- The school requires students or employees to "engage in religious practices" of the controlling organization—even if a practice is merely associated with a religion (*e.g.*, community service) but is not itself religious and does not itself require membership or belief in the religion.
- The school has a "doctrinal statement or statement of religious practices"—even if these practices are not derived from the tenets of a religious organization and the school has no relationship to any such religious organization; and even though having such a statement does not automatically transform a school's governing board into a controlling religious organization.
- The school's governing board has approved a mission statement that "includes, refers to, or is predicated upon religious tenets, beliefs, or teachings"—even if the mission statement is simply inspired by a religious tenet and potentially even if it is fully secular on its face (*e.g.*, a mission that promotes vague secular principles like "compassion," "justice," "obedience," or "modesty").
- The school offers "other evidence" that it is controlled by a religious organization—a broad, tautological catch-all that ED itself admitted was "essentially … a safe harbor."

These extensive regulatory exemptions are contrary to Title IX's broad purpose to prohibit sex discrimination, flout Congress's intent to provide narrow religious exemptions, and exceed ED's statutory authority in creating exemptions beyond what Title IX permits. They have made it easier for schools to use religion as an excuse to discriminate, particularly against women, pregnant and parenting people, and LGBTQI+ people. Religious schools regularly suspend and expel students and force them into

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[19] 134 Cong. Rec. 333–35, 376. *Compare* 20 U.S.C. § 1681(a)(3) *with* Americans with Disabilities Act, 42 U.S.C. § 12187 (1990) (exempting "religious organizations or entities controlled by religious organizations"); Employee Retirement Income Security Act, 29 U.S.C. § 1002(33)(A) (1974) (exempting an organization that "is controlled by or "associated with" a church); Title VII of the Civil Rights Act, 42 U.S.C. § 2000e–2(e) (1964) (exempting a school that is "owned, supported, or managed" by a religion or religious entity or if the curriculum is "directed toward" propagating a religion); Fair Housing Act, 42 U.S.C. § 3607(a) (1968) (exempting a religious entity or any nonprofit or organization "operated, supervised or controlled by or in conjunction with" a religious entity).

[20] *N. Haven Bd. of Ed. v. Bell*, 456 U.S. 512, 521 (1982).

[21] *Cannon v. Univ. of Chicago*, 441 U.S. 677, 704 (1979); *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 286 (1998).

[22] *Maracich v. Spears*, 570 U.S. 48, 60 (2013) (quoting *Commissioner v. Clark*, 489 U.S. 726, 739 (1989)) ("An exception to a 'general statement of policy' is 'usually read…narrowly in order to preserve the primary operation of the provision.'").

[23] 34 C.F.R. §§ 106.12(c)(2), (4)–(6); Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Direct Grant Programs, State-Administered Formula Grant Programs, Developing Hispanic-Serving Institutions Program, and Strengthening Institutions Program 85 Fed. Reg. 3190, 3207, Docket No. ED-2019-OPE-0080, RIN 1840-AD45 (proposed Jan. 17, 2020), https://www.govinfo.gov/content/pkg/FR-2020-01-17/pdf/2019-26937.pdf.

abusive, traumatic “conversion therapy” practices because they are pregnant[24] or LGBTQI+.[25] Staff at religious schools are regularly fired for having premarital sex,[26] becoming pregnant while unmarried,[27] using fertility treatments to become pregnant,[28] living with a romantic partner while unmarried,[29] or being LGBTQI+.[30] In the last 2.5 years since the 2020 rule changes took place, additional schools have claimed religious exemptions from Title IX based on these new categories—permitting schools to claim religious exemptions that did not previously exist.[31]

As federal- and state-level attacks[32] continue unabated against women, pregnant and parenting people, and LGBTQI+ people—often in the name of religion—it is especially critical that ED does not facilitate or enable these attacks. We urge ED to rescind the unjustifiable and legally unauthorized expansion of schools' eligibility to claim religious exemptions from Title IX.

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In summary, NWLC supports the Proposed Rule rescinding the 2020 Rule's provisions facilitating the ability of religious student organizations to discriminate against students on legally protected bases. Further, to ensure ED is taking measures to protect students from discrimination in the name of religion, NWLC urges ED to rescind the unnecessary expansion of the “controlled by a religious organization” test, which significantly expands schools' ability to discriminate in the name of religion, for similar reasons. If you have any questions about this comment, please contact Hunter F. Iannucci (hiannucci@nwlc.org).

Sincerely,

The National Women's Law Center

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[24] Jo Yurcaba, *LGBTQ students file class-action lawsuit against Department of Education*, NBC NEWS (Mar. 30, 2021), https://www.nbcnews.com/feature/nbc-out/lgbtq-students-file-class-action-lawsuit-against-department-education-n1262526; Madeline Runkles, *I Got Pregnant. I Chose to Keep My Baby. And My Christian School Humiliated Me.*, WASHINGTON POST (June 1, 2017), https://www.washingtonpost.com/posteverything/wp/2017/06/01/i-got-pregnant-i-chose-to-keep-my-baby-and-my-christian-school-humiliated-me.

[25] Nadra Nittle, *She says her school kicked her out for being trans. She wants the rules to change.*, THE 19TH (Feb. 10, 2022), https://19thnews.org/2022/02/transgender-student-title-ix-religious; Lila Shapiro, *Domaine Javier, Transgender Student, Sues University That Expelled Her for 'Fraud'*, HUFFINGTON POST (Feb. 2, 2016), https://www.huffpost.com/entry/domaine-javier-lawsuit_n_2775756.

[26] Katie Bindley, *Teri James, Pregnant Woman Allegedly Fired For Premarital Sex, Sues Christian School*, HUFFINGTON POST (Mar. 1, 2013), https://www.huffpost.com/entry/teri-james-pregnant-woman-fired-premarital-sex- christian-school_n_2790085.

[27] Dana Liebelson & Molly Redden, *A Montana School Just Fired a Teacher for Getting Pregnant. That Actually Happens All the Time*, MOTHER JONES (Feb. 10, 2014), https://www.motherjones.com/politics/2014/02/catholic-religious-schools-fired-lady-teachers-being-pregnant.

[28] *Herx v. Diocese of Ft. Wayne-South Bend Inc.*, 48 F. Supp. 3d 1168, 1172–73 (N.D. Ind. 2014); *Jury Finds for Catholic Teacher Fired After Artificial Insemination Pregnancy*, CBS NEWS (June 3, 2013), https://www.cbsnews.com/news/jury-finds-for-catholic-school-teacher-fired-after-artificial-insemination-pregnancy.

[29] Rodrigo Torrejon, *N.J. teacher claims Christian school fired her for living with her boyfriend. Can they do that?*, NJ.COM (Aug. 28, 2021), https://www.nj.com/gloucester-county/2021/08/nj-teacher-claims-christian-school-fired-her-for-living-with-her-boyfriend-can-they-do-that.html.

[30] Gwen Aviles, *'It Was Traumatic': After Being Outed, Lesbian Teacher is Fired From Christian School*, NBC NEWS (Oct. 28, 2019), https://www.nbcnews.com/feature/nbc-out/it-was-traumatic-after-being-outed-lesbian-teacher-fired- christian-n1072826; Jack Jenkins, *Why Are Catholic Schools Firing Gay Teachers, and How Can One Refuse?*, NATIONAL CATHOLIC REPORTER (Jul. 1, 2019), https://www.ncronline.org/news/people/why-are-catholic-schools-firing-gay-teachers-and-how-can-one-refuse; James Nichols, *Marla Krolikowskii, Transgender Catholic School Teacher, Receives Legal Victory*, HUFFINGTON POST (Sep. 11, 2013), https://www.huffpost.com/entry/marla-krolikowskii-transgender-teacher_n_3903603.

[31] Dep't of Educ., Office of Civil Rights, *Other Correspondence* (last updated Dec. 1, 2022), https://www2.ed.gov/about/offices/list/ocr/correspondence/ other.html (publishing requests by schools and responses from ED regarding religious exemptions).

[32] Protection of Women and Girls in Sports Act, H.R. 734, 118th Cong. (2023); Parents Bill of Rights Act, H.R. 5, 118th Cong. (2023); *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures*, ACLU (Mar. 21, 2023), https://www.aclu.org/legislative-attacks-on-lgbtq-rights; Elizabeth Nash & Isabel Guarnieri, *Six Months Post-Roe, 24 US States Have Banned Abortion or Are Likely to Do So: A Roundup*, GUTTMACHER (Jan. 10, 2023), https://www.guttmacher.org/2023/01/six-months-post-roe-24-us-states-have-banned-abortion-or-are-likely-do-so-roundup.

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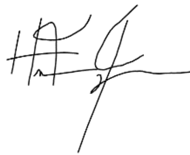

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