

and enjoined it.⁸ These courts found that the Department of Education's rule exceeded statutory authority because Title IX's text, history, and structure establish that "sex" refers to the biological distinction between male and female.⁹ They also universally rejected the Federal government's position that *Bostock*'s reasoning applies to Title IX. As Sixth Circuit Chief Judge Sutton explained when affirming the preliminary injunction granted by the Eastern District of Kentucky, "Title VII's definition of sex discrimination under *Bostock* simply does not mean the same thing for other anti-discrimination mandates, whether under the Equal Protection Clause, Title VI, or Title IX."¹⁰ Judge Sutton reasoned that Title VII and Title IX have "materially different language" and "serve different goals and have distinct defenses." Judge Sutton also observed that "Congress enacted Title IX as an exercise of its Spending Clause Power, which means that Congress must speak with a clear voice before it imposes new mandates on the states. The same is not true of Title VII." Based on these findings, Judge Sutton rejected the notion that "principles announced in the Title VII context automatically apply in the Title IX context" and concluded that, based on this statutory analysis, that courts should be "skeptical of attempts to export Title VII's expansive meaning of sex discrimination to other settings."¹¹

The federal government sought emergency relief from the Supreme Court to stay injunctions issued by the district courts in Louisiana and Kentucky. In denying relief, "all Members of the Court . . . accept[ed] that the plaintiffs were entitled to preliminary injunctive relief as to . . . the central provision that newly defines sex discrimination to include discrimination on the basis of sexual orientation and gender identity."¹² The Eastern District of Kentucky thereafter

⁸ *Alabama v. U.S. Sec. of Educ.*, No. 24-12444, 2024 WL 3981994 (11th Cir. Aug. 22, 2024); *Tennessee v. Cardona*, No. 24-5588, 2024 WL 3453880, at *1 (6th Cir. July 17, 2024); *Oklahoma v. Cardona*, 743 F.Supp.3d 1314 (W.D. Okla. July 31, 2024); *Arkansas v. Dept. of Educ.*, 742 F.Supp.3d 919 (E.D. Mo. July 24, 2024); *Texas v. United States*, 740 F.Supp.3d 537 (N.D. Tex. July 11, 2024); *Kansas v. Dept. of Educ.*, 739 F.Supp.3d 902 (D. Kan. July 2, 2024); *Louisiana v. Dept. of Educ.*, 737 F.Supp.3d 377 (W.D. La. 2024).

⁹ See, e.g., *Texas*, 743 F. Supp. at 872-74.

¹⁰ *Tennessee*, 2024 WL 3453880, at *2-3 (internal citations and quotation marks omitted).

¹¹ *Id.*

¹² *Dep't of Educ. v. Louisiana*, 603 U.S. 866, 867 (2024). Four Justices would have narrowed the injunctions to exclude other parts of the rule. *Louisiana*, 603 U.S. at 869 (Sotomayer, J., dissenting in part from the application for stays).

vacated the Department of Education's Title IX rule.¹³

Taken together, these decisions do not support reliance on *Bostock* in cases arising under Title IX because it would extend Title IX beyond its statutory bounds. And because section 188(a)(2) of WIOA expressly incorporates Title IX's exceptions to sex discrimination, and section 188(e) further states the Department "shall adopt standards for determining [sex] discrimination" that are consistent with Title IX, it necessarily follows that sex discrimination prohibited under section 188(a)(2) should be construed consistently with Title IX not to encompass sexual orientation and gender identity. To interpret section 188(a)(2) otherwise would give it broader coverage than Title IX itself and exceed statutory authority. Accordingly, the Department rescinds the 2022 interpretation.

The Department further recognizes that its regulations implementing WIOA section 188's prohibition against sex discrimination currently state that "[t]he term sex includes, but is not limited to, pregnancy, childbirth, and related medical conditions, transgender status, and gender identity."¹⁴ The Department will consider rulemaking and related subregulatory guidance to ensure its regulations and enforcement practices are aligned with recent judicial developments.

Authority: WIOA Section 188, 29 U.S.C. 3248; Secretary's Order 04-2000 (November 7, 2000).

Signed in Washington, DC, January 5, 2026.

Lori Chavez-DeRemer,
Secretary of Labor.

[FR Doc. 2026-00150 Filed 1-7-26; 8:45 am]

BILLING CODE 4510-HL-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 3 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

¹³ *Tennessee v. Cardona*, 762 F. Supp. 3d 615 (E.D. Ky. 2025).

¹⁴ 29 CFR 38.7(a).

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC, 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Daniel Beattie, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *ogpo@arts.gov*, or call 202-682-5688.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to 5 U.S.C. 10.

The upcoming meetings are:

NEA Jazz Masters Fellowships A & B (review of nominations): These meetings will be closed.

Date and time: February 5, 2026; 2:00 p.m. to 3:00 p.m. and 3:00 p.m. to 4:00 p.m.

Mayors' Institute on City Design (review of applications): This meeting will be closed.

Date and time: February 12, 2026; 1:00 p.m. to 3:00 p.m.

Dated: January 6, 2026.

Daniel Beattie,

Director, Guidelines & Panel Operations, National Endowment for the Arts.

[FR Doc. 2026-00203 Filed 1-7-26; 8:45 am]

BILLING CODE 7537-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255; NRC-2026-0034]

Palisades Energy, LLC; Palisades Nuclear Plant; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a request dated December 12, 2025, as supplemented by letters dated December 26, 2025, December 31, 2025, and January 5, 2026, from Palisades Energy, LLC. The exemption authorizes