



Biden Killing Controversial Regulations to Keep Trump From Changing Them

In its waning days, the Biden administration is giving up on controversial proposed regulations concerning transgender athletes and student-loan forgiveness.

Has the administration decided that these regulations are bad ideas? Did it get the message from the presidential election, which saw former President Donald Trump trounce Vice President Kamala Harris in part because of Trump's promise to ["keep men out of women's sports"](#)?

No, according to [The Associated Press](#), Biden is scrapping these regulations — and others — "to prevent ... Trump from retooling them to achieve his own aims."

An administration official, speaking on condition of anonymity, told AP that "the administration still supports the goals of its regulatory proposals." But "the process can be lengthy because it requires legal reviews and collecting input from the public," so if the administration doesn't think it can finalize a rule before January 20, it's better to withdraw the proposal than to take a chance that Trump will radically alter it.

AP explained:

If a rule has already gone through a public feedback process under Biden, Trump could simply replace it with his own proposal and move straight to enacting the policy, effectively bypassing the comment period.

By contrast, if the rules are abandoned,

nothing prevents Trump from pursuing his own regulations on the same issues when he returns to the White House, but he would have to start from scratch in a process that can take months or even years.

The Loan Changer

The administration's ongoing commitment to student-loan forgiveness is evidenced by the fact that it announced it was [canceling the loans of almost 55,000 government employees](#) on Friday, the very same day AP reported its regulation-killing efforts. Under the 2007 Public Service Loan Forgiveness (PSLF) program, the Education Department is erasing the remaining \$4.28 billion owed by government employees who have made payments on their student loans for at least 10 years.

While PSLF predates President Joe Biden's term of office, his administration made its own modifications



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to the program to achieve its objectives independently of Congress.

“The U.S. Department of Education’s *successful transformation* of the PSLF Program is a testament to what’s possible when you have leaders, like President Biden and Vice President Harris, who are relentlessly and unapologetically focused on making government deliver for everyday working people,” said Education Secretary Miguel Cardona (emphasis added).

Cardona noted that the administration had forgiven nearly \$180 billion worth of student loans, enabling almost five million borrowers to stiff taxpayers. This occurred despite ongoing legal challenges including a [Supreme Court decision](#) invalidating Biden’s first attempt at loan forgiveness and [two federal judges’ injunctions](#) against his second, an April proposal. Biden is withdrawing both that proposal and one from October rather than giving Trump a chance to put his own stamp on them.

According to AP:

Kate Shaw, who served in the White House counsel’s office under President Barack Obama, said it’s not unusual for administrations to speed up or slow down rulemaking. It’s more typical, she said, for the federal government to race to finalize regulations during a transition period, but that can be difficult when there’s a time crunch.

“If you haven’t started it early enough, you’re not going to be able to wrap it up,” she said.

Unsportsmanlike Conduct

That is an even greater concern for the Biden administration when it comes to transgenders in sports, an area in which Trump has staked out a starkly opposing position.

The administration wants to change Title IX’s prohibition of sex discrimination in school sports, itself an unconstitutional federal intrusion, into a [mandate](#) to allow students to participate in sports teams composed of the gender with which they claim to identify regardless of their biological sex. In practice, this means almost exclusively that males would compete in formerly female-only sports programs. (Females have little chance of competing successfully in male-only programs and are therefore unlikely to do so.) As a result, females would (a) be deprived of opportunities for athletic success and scholarships, (b) stand a good chance of being injured by male athletes, and (c) be forced to share [locker rooms, bathrooms, and perhaps even living quarters](#) with males.

AP noted that the proposal would permit sports programs to impose limits on transgender athletes’ participation “for certain reasons — for example, if it was a matter of ‘fairness’ in competition or to reduce injury risks.”

However:

Biden’s proposal left both sides of the issue asking for more. Advocates for transgender athletes said it didn’t go far enough in protecting transgender students from school policies that could unfairly exclude them. Opponents said it fell short of protecting girls and ensuring fairness.

Twenty-six Republican state attorneys general managed to get federal judges to [block](#) the implementation of the administration’s broader Title IX redefinition in their states, but the administration persisted in trying to foist its narrower, sports-related rewrite on the country. Now,



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though, it is tossing the rule lest Trump not only junk it but replace it with one conforming to the views of the majority of voters.

Trump Card

Trump's White House press secretary-designate, Karoline Leavitt, told AP the administration's rule-dumping was all about "adding more red tape and making it more difficult for [Trump] to govern," declaring:

President Trump will not be deterred by their dirty tricks and will use every lever of power to reverse the damage Biden has done and implement his America First agenda.



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