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Congress of the United States
House of Representatives
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June 10, 2016

Dear :

Thank you for your service as educators and community leaders. I appreciate the roles you play in the education of our children.

As your Congressman, I am writing today to address the Obama Administration's May 13th "guidance" letter issued by the Departments of Education (DOE) and Justice (DOJ). I urge you to ignore the "guidance" and continue to respect a student's right to privacy and to protect their safety.

On behalf of Kansas, Attorney General Derek Schmidt has already decided to join a lawsuit challenging this new "guidance." General Schmidt rightly believes that the Obama Administration "guidance" has re-written Title IX without Congressional action and is therefore invalid because it lacks statutory authority.

General Schmidt is making the proper argument, but the issues with this illegal Obama Administration edict go much further. It threatens the privacy and safety of our children. Neither our girls or boys should be forced to undress in the presence of individuals who are of the opposite biological sex. Our children should also not be subjected to a greater risk of threats from predators who seek to do them harm.

As you may know, this issue gained national attention in response to a Charlotte city ordinance allowing transgender people to use public restrooms according to whatever gender they claim. In response, the State of North Carolina passed House Bill 2 into law. This legislation found that a person in North Carolina who has not had a surgical procedure to change the sex on their birth certificate has no legal right to use bathrooms that do not correspond with their biological sex. In response to the bill's passage, the DOJ threatened that the law is in violation of the Civil Rights Act and demanded North Carolina repeal the law or risk federal repercussions.

Additionally, the 4th Circuit Federal Court of Appeals reversed a lower court decision regarding a Virginia school district's accommodation for a transgendered student's access to bathrooms. That case has been sent back to the District Court for further consideration. So it is completely unclear at this time what the legal precedent will be on this issue.

Without statutory authority or legal precedent in hand, the Obama Administration wrongly proceeded with their radical agenda and sent their threatening May 13th letter to public school districts across the country. The "guidance" that was meant to require all public schools to allow students, and perhaps visitors, teachers, and other employees, to use the restroom, locker room, changing facility or

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The "guidance" that was meant to require all public schools to allow students, and perhaps visitors, teachers, and other employees, to use the restroom, locker room, changing facility or showers of their choice regardless of their biological sex. Violation of this "guidance" is, of course, subject to the implicit threat of withholding of federal funds and/or legal action by the DOJ.

In other words, the Obama Administration seeks to impose their own views on our communities by threatening to deny funding for poor children or bankrupting school districts with legal actions.

Already, a group of 51 families in Illinois has filed a federal lawsuit challenging DOE mandates that their school commingle sexes in locker rooms based on the Obama Administration redefining the term "sex" to include gender identity. Additionally, on May 25th a group of eleven states filed a separate federal lawsuit challenging this Obama "guidance."

Congressional actions are also being discussed to deny the power of the Obama Administration to withhold education funds. I will do everything I can to urge my colleagues to pass legislative language to stop this edict before school starts in the fall.

Moving forward, please know you have my full support to set policy for your schools, even if that policy is not in conformity with this Obama "guidance." These conflicts must, and ultimately will, be resolved by either Congress or the Federal Courts. Until then, I encourage you to stand up to the Obama Administration.

As Congress addresses the many challenges facing our nation, I will continue to fight for the rights, values and principles of the citizens of Kansas – not those of Washington, D.C. If my staff or I can be of any further assistance, please do not hesitate to reach out to us.

You can stay up to date on my work in D.C. for Kansans by going to my website huelskamp.house.gov.

Sincerely,

Tim Huelskamp, Ph.D.
Member of Congress, KS-1