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May 13, 2016

The Honorable Barack Obama
President of the United States
1600 Pennsylvania Ave, NW
Washington, DC 20500-0001

Dear Mr. President,

Today, your Secretary of Education and your Attorney General transmitted a letter to every public school district in the nation notifying them that your Administration's interpretation of "sex" under Title IX includes gender identity. Based on statements your Secretary of Education and Attorney General have made to the press, it is clear that your Administration believes a school must allow transgender students to use the restroom consistent with a student's perceived gender identity. It is also my understanding that the directive is clear a school cannot require transgender students to use individual restrooms or locker rooms unless such a requirement is also placed on the entire student population. It is also my understanding based on recent statements your Secretary of Education and Attorney General have made to the press, school districts who do not comply with this directive risk lawsuits and the revoking of federal funding.

I write today to request that your Administration retracts this directive immediately and does not move forward with any further guidance or directives regarding transgender students and restroom use until such time as all related pending litigation receives thorough judicial review. I believe the timing of this directive lacks discretion, is excessive and unwarranted, and is both unfair and unwise. Congress exclusively possesses the power of the purse. Any hint of withholding appropriated funds from school districts who do not comply with your political agenda is both imprudent but also in violation of the Separation of Powers enshrined in our Constitution.

I again ask you to retract any statements, directives, or guidance regarding the treatment of transgender students and restroom facilities until such time as the courts rule on pending litigation. I will also forward this request to the Secretary of Education and the Attorney General. I respectfully request that your Administration reply to this letter in writing and inform me if your Administration stands by the directive, or if you will halt until judicial review occurs.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Sessions", written over a horizontal line.

Pete Sessions
Member of Congress