

Congress of the United States
Washington, DC 20515

May 9, 2016

The Honorable John King
Secretary
Department of Education
400 Maryland Ave SW
Washington, DC 20202

Dear Secretary King:

As Members of Congress from North Carolina, we are deeply troubled by the threat that the Department of Education would withhold federal funding from North Carolina in response to the enforcement of House Bill 2. We strongly believe that any move to withhold federal funding from North Carolina is without legal merit and an unprecedented overreach by the federal government.

As you are aware, current North Carolina law prohibits discrimination based on race, color, religion, national origin, and sex, which is in concurrence with federal law set forth in Title VII of the Civil Rights Act of 1964 and Title IX of the 1972 Education Amendments.

This Administration is choosing to define discrimination “on the basis of sex” to include discrimination on the basis of “gender identity.” However, Title IX does not specify “gender identity,” and instead uses the term “sex.” In addition, there is no evidence to prove Congress intended Title IX to protect an individual's internal sense of gender instead of his or her biological sex.

Furthermore, federal discrimination law is set by Congress, and it does not single-handedly evolve by executive fiat; therefore anything not specified in federal discrimination law by Congress is left up to the states. The purpose of federal law is to set a floor for all states to abide by, and North Carolina law meets the federal standard.

The resolution and any expansion of discrimination law comes appropriately from the state and federal legislative branches and not through Executive Order, policy guidance, or other unsubstantiated threats from the federal government. The administration cannot unilaterally rewrite current law or redefine the law in a way that Congress never intended. The United States Constitution makes clear the fact that it is Congress’ job to write the law and the Executive Branch’s job to enforce those laws.

We request that you provide us with immediate assurances that you are not directing or otherwise condoning any efforts of your agency to curtail federal funds designated for North Carolina based on a perceived violation of law that was passed by Congress. We look forward to receiving your response by Friday, May 13, 2016.

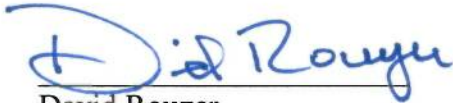
Sincerely,



Richard Hudson
Member of Congress



Mark Walker
Member of Congress



David Rouzer
Member of Congress



George Holding
Member of Congress



Renee Ellmers
Member of Congress



Mark Meadows
Member of Congress



Virginia Foxx
Member of Congress



Robert Pittenger
Member of Congress



Walter Jones
Member of Congress



Patrick McHenry
Member of Congress