

Federal Tyranny By Rule

President Obama appears bent on implementing his plan to “transform America” by usurping legislative power and expanding executive power. He has bypassed Congress by implementing executive orders or administrative rules that go beyond current law and create new law Congress didn’t pass. These will affect each state and school, and many businesses.

I have covered the EPA’s WOTUS (Waters of the U.S.) Rule and the RFS (Renewable Fuels Standard) requirements in past newsletters and explained how they go beyond or contradict what Congress intended. Here are some recent examples of new federal edicts that also go beyond what Congress intended and represent more federal government overreach and a gross abuse of executive power:

New Federal Dept. of Labor Rule for Businesses

The U.S. Department of Labor has issued a rule involving overtime pay that is sending many business owners across the state into confusion. The Dept. of Labor raised the threshold of yearly salary for those eligible for overtime pay (working more than 40 hours each week) from \$23,000 to \$47,476. In Iowa, this would impact close to 44,000 employees statewide.

Business owners across the country will have to decide how they are going to afford this change. The rule will go into effect December 1st, and employees who earn \$47,476 a year or less will be eligible for time-and-a-half pay for more than 40 hours of work per week. This short-sighted rule is intended to protect lower-level salaried managers who often work well over 40 hours a week. However, it will have unintended consequences.

Many are frustrated and disappointed by this change, especially retail establishments and non-profit organizations. Rob Green is the Director of the National Council of Chain Restaurants, and he “expects a lot of legal challenges in Iowa and elsewhere.” This change impacts owners and employers of many businesses in Iowa, and Green speculates they will be scrambling to compensate for the drastic change.

Compensation for a situation like this will more than likely manifest itself in two ways: limiting hours employees work in a week, or raising salaries to just over the threshold. From a business owner's perspective, the latter is the more appealing choice. In the end it hurts both the business and the employees; the business because it will affect customer service and employees because in many cases they will make less money, have less flexibility, or get less experience and be less prepared to move upward.

Another instance of government regulation that does not help but hurts people, businesses, and the economy.

New Federal HHS Dept. Rule for Healthcare Providers

The new federal Dept. of Health and Human Services rule under Obamacare requires healthcare providers receiving federal funds to perform abortions and "gender transition" services or face termination of government aid, along with possible referral to the Dept. of Justice for legal action.

This means any hospital or doctor that accepts Medicare and/or Medicaid would be required to perform abortions or sex-change surgery. If they refuse they would be denied Medicare/Medicaid reimbursements. No matter whether they are a faith-based institution or not.

Disagreement exists as to whether protection for religious conscience applies to this new rule.

The Obama administration is *requiring* horrific and unconscionable procedures such as abortion which most Americans oppose as the taking of human life and as destructive physically and emotionally to women.

Further, Heritage Foundation's Ryan Anderson clarifies: "They will effectively require controversial procedures, such as 'sex-reassignment' surgery, that respected medical professionals argue have not been proven to be effective in treating serious mental health conditions." They are adding to the mental and physical risks and turmoil for people suffering from gender confusion.

The Executive Director for the Association of American Physicians and Surgeons, Dr. Jane Orient, says, “Transgender treatment, especially to minors, inflicts irreversible harm on persons too young to consent. It constitutes radical social experimentation. Chemical or surgical castration should be considered a crime against humanity.”

Another instance of government coercion, and all based upon a law (Obamacare) that should be repealed.

New Federal Bathroom Policy for Schools

The Federal Dept. of Education and Dept. of Justice issued a joint letter outlining a new federal directive forcing all schools to allow students to be able to use the bathroom of the sex they “identify with”, not necessarily the sex they are physically. And this applies not just to bathrooms, but locker rooms, shower facilities and overnight lodging on school field trips.

A school that makes a gender-neutral, single-stall bathroom available to transgender students, such as several of our area schools have done, is *not sufficient* according to this edict. No medical diagnoses or treatment is required for a school to have to allow a student to be treated as the opposite sex. It’s only upon their word and a parent’s consent is not required.

Further, the Obama administration is threatening our schools with loss of federal funds if they do not comply.

This misguided and foolish directive is promulgated in the name of accommodating transgender students. However, this is not a help but rather a hindrance to a young person struggling with gender identity and government should not be putting a stumbling block in their path.

The unintended consequences are obvious. It is easy to see the opportunities some would find to abuse this policy. It violates both common sense privacy and moral decency. In addition, students also should be able to feel safe and secure when using any of the school’s facilities. This policy would open the door to an unsafe and unsecure environment and increase the chances of inappropriate and harmful behavior. This is especially true for those students who have suffered sexual abuse.

This policy was announced without seeking input from the students, parents, and educators who are impacted by it. The administration redefined and expanded federal law without Congressional action, which is required. By communicating directly with individual school district in the manner that was done in some cases, magnifies the impropriety of the mandate. This should be left to the states and especially to local school districts to handle on a case-by-case basis as they see fit.

Another instance of government blackmail where the federal government has no place.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy