



FOR IMMEDIATE RELEASE
August 30, 2021
#21-31

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**AG SLATERY SUES BIDEN ADMINISTRATION TO STOP ENFORCEMENT OF
GUIDANCE THAT THREATENS WOMEN'S SPORTS AND STUDENT AND
EMPLOYEE PRIVACY**

*Lawsuit defends states from federal regulatory overreach and the unlawful interpretation of
antidiscrimination laws*

Nashville- Attorney General Herbert H. Slatery III, leading a 20-state coalition, filed a lawsuit in the Eastern District of Tennessee today. The complaint seeks to stop the Biden Administration from enforcing new, expansive, and unlawful interpretations of federal antidiscrimination laws.

In the complaint, the multi-state coalition challenges federal guidance issued by the Equal Employment Opportunity Commission (EEOC) and the Department of Education (the Department) concerning issues of enormous importance. The guidance purports to resolve highly controversial and localized issues such as whether schools must allow biological males to compete on girls' sports teams, whether employers and schools may maintain sex-separated showers and locker rooms, and whether individuals may be compelled to use another person's preferred pronouns. The federal agencies claim that the guidance simply implements the Supreme Court's decision in *Bostock v. Clayton County*, but that decision did not address any of the issues covered by the guidance. The agencies have no authority to unilaterally resolve these sensitive questions, let alone to do so without providing the public with notice and an opportunity to comment.

"This case is about two federal agencies changing law, which is Congress' exclusive prerogative," said Tennessee Attorney General Herbert H. Slatery III. "The agencies simply do not have that authority. But that has not stopped them from trying. Even their attempts, as unlawful as they are, did not follow the Administrative Procedures Act. States over and over again have challenged federal agencies on this issue and been successful. These agencies also have misconstrued the Supreme Court's *Bostock* decision by claiming its prohibition of discrimination applies to locker rooms, showers, and bathrooms under Title IX and Title VII and biological men who identify as women competing in women's sports, when the Supreme Court specifically said it was not deciding those issues in *Bostock*. All of this, together with the threat of withholding educational funding in the midst of a pandemic, warrants this lawsuit."

The multi-state coalition asks the Court to declare the EEOC and Department guidance invalid and unlawful and to prohibit their enforcement.



Herbert H. Slatery III Attorney General & Reporter

Joining Tennessee on the lawsuit are the attorneys general from the following states: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, and West Virginia.

To read the complaint, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2021/pr21-31-complaint.pdf>

