



# Herbert H. Slatery III Attorney General & Reporter

FOR IMMEDIATE RELEASE  
July 26, 2022  
#22-24

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## **AG SLATERY LEADS 22 STATES AGAINST BIDEN ADMINISTRATION FOR THREATENING TO WITHHOLD NUTRITION ASSISTANCE FOR SCHOOLS; PROGRAMS THAT DON'T ADHERE TO 'GENDER IDENTITY', 'SEXUAL ORIENTATION' POLICY**

Nashville- Attorney General Herbert H. Slatery III, leading a 22-state coalition along with Indiana Attorney General Todd Rokita, filed a lawsuit today in the Eastern District of Tennessee. The lawsuit seeks to stop the Biden Administration from enforcing an expansive and unlawful interpretation of federal antidiscrimination laws under the threat of withdrawing key food assistance program funding.

In the complaint, the multi-state coalition challenges new regulations issued by the United States Department of Agriculture (USDA) that attempt to force states and schools to adopt a new and unlawful application of the Supreme Court's decision in *Bostock v. Clayton County* as it applies to antidiscrimination requirements. These transformative changes were made without providing the States and other stakeholders the opportunity for input as required by the Administrative Procedures Act (APA).

June 14<sup>th</sup>, a coalition of 26 attorneys general called on President Biden to withdraw the USDA's guidance in this [letter](#).

"This case is, yet again, about a federal agency trying to change law, which is Congress' exclusive prerogative," said General Slatery. "The USDA simply does not have that authority. We have successfully challenged the Biden Administration's other attempts to rewrite law and we will challenge this as well."

Tennessee challenged similar guidance issued by the U.S. Department of Education and the Equal Employment Opportunity Commission. [The District Court recently enjoined the federal government from enforcing that guidance as applied directly to schools and employers.](#)

The multi-state coalition asks the Court to declare the USDA memoranda and rule invalid and unlawful and to prohibit enforcement.

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

To read the complaint, click  
here: <https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-24-complaint.pdf>

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