

### HB 2414 / SB 2387 “Bathroom Bill” Finance Fact Sheet

Legislators should not be deterred by gloom-and-doom predictions about economic backlash if TN passes a law that requires school bathrooms to be used by the appropriately designated biological gender. This is simply codifying what virtually all schools in TN are already doing and have been doing for generations.

- Regarding the letter being circulated by HRC with around 60 signatures from CEO’s saying that this bill is “bad for business.” *When you read the letter you will not find one word indicating that they will stop doing business in or leave TN.*
  - Only 16 of the companies listed have offices or outlets in TN (some, like national motel chains and insurance companies will not close their business in TN because of this bill).
  - Only 2 have significant operations in TN (Alcoa and Dow Chemical). Such operations cannot easily relocate and couldn’t do so without great cost to shareholders.
  - **Nearly 40 of the signees (close to 70%) are from the San Francisco area, and none of the signees are headquartered in TN.**
- In 2011, many of the same companies opposed the passage of HB 600 (overturning metro Nashville’s SOGI protection ordinance) with concerns about the impact on Nashville’s economy.
  - In 2012, Nashville led the nation in job growth for cities with populations over 1 million.
  - Since the passage of HB 600, Nashville has added 16 new hotels and over 3,000 rooms.
  - Since the passage of HB 600, Nashville’s population has grown nearly 10%, and it has been named one of the 10 fastest growing cities by *CNN Money* and *Forbes*.

The Attorney General issued an opinion, based on a US DOE “significant guidance document,” that Title IX funding could be jeopardized if this bill passes.

- The AG failed to mention that this document is non-binding per federal regulations, and that using it to re-interpret Title IX’s definition of “sex” was explicitly rejected by BOTH federal courts that reviewed it in 2015.
- The court in *Johnston v. Univ. of Pittsburgh* held that the “policy of requiring students to use sex-segregated bathroom and locker room facilities based on students natal or birth sex, rather than gender identity, does not violate Title IX’s prohibition of sex discrimination.”

The Attorney General did correctly note that federal funding would not be “immediately suspended or terminated” if HB 2414 / SB 2387 is found in violation of Title IX.

- In fact, at least FIVE contingencies over the course of several years would have to occur for funding to actually be cut. And even if EVERY contingency happens, TN would then have 30-days to comply before losing funding. There is no immediate threat of funding loss.
- No state in the 40+ year history of Title IX has ever lost funding.