



TIM GRIFFIN

ATTORNEY GENERAL OF ARKANSAS

FOR IMMEDIATE RELEASE

February 20, 2025

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Coalition Suing Against Unlawful Biden Administration Rule Files Report with Court Clarifying That Section 504 of the Rehabilitation Act of 1973 is Not Being Challenged

Griffin: 'Threatening Section 504 of the Rehabilitation Act of 1973 in its entirety was never our goal nor was it something we sought, despite what some have said in the media and online'

LITTLE ROCK – Attorney General Tim Griffin issued the following statement after he and the coalition of 16 other attorneys general who last year sued the Biden administration over an unlawful federal rule clarified their position with a filing in court:

“As I have reiterated over the past week, from the beginning our lawsuit challenging the Biden administration’s rule categorizing gender dysphoria as a disability was about just that: challenging that specific rule. Threatening Section 504 of the Rehabilitation Act of 1973 in its entirety was never our goal nor was it something we sought, despite what some have said in the media and online. But to ensure all stakeholders involved are comfortable and are clear about the 17 states’ intent, we have filed a status report with the court with the following language:

Plaintiffs clarify that they have never moved—and do not plan to move—the Court to declare or enjoin Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, as unconstitutional on its face. Plaintiffs have not sought and do not seek to enjoin the disbursement of funds from the Department on the basis that the statute is unconstitutional.

The context of the entire Complaint, ECF No. 1, shows that the meaning and scope of Count 3 asserting a claim under the Spending Clause—and the declaratory and injunctive relief sought in the demand—is an as-applied challenge to any purported application of Section 504 to funds that are not authorized by the Rehabilitation Act. Such alleged unconstitutional applications include the requirements the Final Rule imposes on recipients to adopt the “most integrated setting” and the “at serious risk of institutionalization” standards of care. 89 Fed. Reg. 40,066, 40,183, 40,120–21, 40,192 (May 9, 2024).

Nothing in Plaintiffs’ Complaint seeks to restrain the disbursement of federal funds from the Department on the basis that the statute is unconstitutional, or to otherwise prevent the Federal Government from allocating spending or applying the provisions of the Rehabilitation Act to any recipients of such funds.

“It also deserves mention that the lawsuit is stayed pending review of the rule by the Trump administration. I am confident the administration will soon abandon Biden’s blatantly unlawful interpretation of Section 504, which was the basis of our lawsuit in the first place.”

To read the full status report filed with the United States District Court Northern District of Texas, [click here](#).

About Attorney General Tim Griffin

Tim Griffin was sworn in as the 57th Attorney General of Arkansas on January 10, 2023, having previously served as the state’s 20th Lieutenant Governor from 2015-2023. From 2011-2015, Griffin served as the 24th representative of Arkansas’s Second Congressional District, where he served on the House Committee on Ways and Means, House Armed Services Committee, House Committee on Foreign Affairs, House Committee on Ethics and House Committee on the Judiciary while also serving as a Deputy Whip for the Majority.

Griffin is currently an officer in the Arkansas Army National Guard and holds the rank of colonel. Griffin served as an officer in the U.S. Army Reserve Judge Advocate General’s (JAG) Corps for more than 28 years. In 2005, Griffin was mobilized to active duty as an Army prosecutor at Fort Campbell, Kentucky, and served with the 101st Airborne Division (Air Assault) in Mosul, Iraq.

His previous assignments include serving as the Commander of the 2d Legal Operations Detachment in New Orleans, Louisiana; the Commander of the 134th Legal Operations Detachment at Fort Bragg, North Carolina; and as a Senior Legislative Advisor to the Under Secretary of Defense for Personnel and Readiness at the Pentagon. Griffin earned a master's degree in strategic studies as a Distinguished Honor Graduate from the U.S. Army War College, Carlisle Barracks, Pennsylvania.

Griffin also served as U.S. Attorney for the Eastern District of Arkansas, and Special Assistant to the President and Deputy Director of Political Affairs for President George W. Bush; Special Assistant to Assistant Attorney General Michael Chertoff, Criminal Division, U.S. Department of Justice; Special Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Arkansas; Senior Investigative Counsel, Government Reform and Oversight Committee, U.S. House of Representatives; and Associate Independent Counsel, Office of Independent Counsel David M. Barrett, In re: HUD Secretary Henry Cisneros.

Griffin is a graduate of Magnolia High School, Hendrix College in Conway, and Tulane Law School in New Orleans. He attended graduate school at Oxford University. He is admitted to practice law in Arkansas (active) and Louisiana (inactive). Griffin lives in Little Rock with his wife, Elizabeth, a Camden native, and their three children.

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