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June 14, 2022

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Attorney General Marshall Decries Biden's Plan to Hold Schoolchildren's Food Hostage to Advance Radical Gender Ideology

(MONTGOMERY) – Attorney General Steve Marshall decried President Joe Biden's plan to withhold federal nutritional assistance from schools that fail to adopt his administration's purported "policy update" premised on sexual politics. Attorney General Marshall called on President Biden to withdraw the illegal guidance, which penalizes American schools and schoolchildren for failing to embrace the White House's radical "gender identity" agenda.

"From day one, Joe Biden and his administration have shown no compunction about forcing their radical agenda on all Americans," said Attorney General Steve Marshall. "Indeed, they have exploited every opportunity to double down on their plan to reorder our society, no matter the cost to our citizens and their welfare. With this new guidance, Biden has stooped to a new low – holding back vital federal nutritional assistance from schoolchildren during a time of skyrocketing food costs and dwindling supply – in a cynical ploy to further impose his administration's extremist sexual politics on the people of our great nation. In effect, Biden is holding schoolchildren's food hostage unless their schools submit to radical gender ideology. This ploy is both immoral and illegal and must be withdrawn."

On May 5, 2022, the USDA's Food and Nutrition Service [announced](#) it would expand its interpretation of the prohibition on sex discrimination found in Title IX to include discrimination based on sexual orientation and "gender identity" based on a flawed understanding of the Supreme Court's decision in *Bostock v. Clayton County*. As a result, any state, local agency, or program that receives federal funds through the Food and Nutrition Act and the Supplemental Nutritional Assistance Program – administered by the USDA – must comply with this unlawful application of *Bostock* and Title IX, or else lose federal funding.

The National School Lunch Program services nearly 30 million schoolchildren each day, many who rely on it for breakfast, lunch, or both. Approximately 100,000 public and nonprofit private schools and residential childcare institutions receive federal funding to provide subsidized free or reduced-price meals for qualifying children.

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In response, Attorney General Marshall joined 25 other attorneys general in calling on President Biden to rescind the USDA guidance, which imposes new – and unlawful – regulatory measures on state agencies and operators receiving federal financial assistance. The attorneys general say expanding the concept of “discrimination on the basis of sex” to include “gender identity” and sexual orientation does far more than offer direction:

- The Guidance is unlawful because it was issued without providing the States and other stakeholders the opportunity for input as required by the Administrative Procedures Act (APA).
- The Guidance is unlawful because the USDA premised it on an obvious misreading and misapplication of the Supreme Court’s holding in *Bostock v. Clayton County*. *Bostock* expressly disclaimed application to “other federal or state laws that prohibit sex discrimination” – like Title IX and the Food and Nutrition Act – and expressly did not “prejudge any such questions.”
- The Guidance imposes new – and unlawful – regulatory measures on state agencies and operators receiving federal financial assistance from the USDA. This will inevitably result in regulatory chaos that threatens essential nutritional services to some of the most vulnerable citizens.

Attorney General Marshall joined attorneys general from Alaska, Arkansas, Arizona, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia and Wyoming in signing the letter to President Biden on Tuesday.

A copy of the attorneys general letter may be read [here](#).