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Alabama Attorney General



July 26, 2022

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Attorney General Steve Marshall Sues Biden over Policy to Hold Schoolchildren’s Food Hostage to Advance Radical Gender Ideology

(MONTGOMERY)—Attorney General Steve Marshall filed suit today against the Biden administration over its new guidance that effectively withholds federal nutritional assistance from American schools and schoolchildren for failing to embrace the White House’s radical gender ideology.

According to the new guidance, schools would risk forfeiting lunch money for their neediest students if they engage in “sex discrimination,” such as having sex-separated bathrooms or sports teams for boys and girls.

“Joe Biden and his administration are obsessed with imposing their extremist sexual politics on the people of our great nation, adults and children alike,” said Attorney General Marshall. “Their latest plan—which comes at a time of skyrocketing inflation and food costs, as well as a looming recession—is to hold schoolchildren’s food hostage unless their schools submit to the left’s radical ‘gender identity’ agenda. This immoral and illegal scheme cannot stand. That is why I, along with 21 of my attorney general colleagues, have filed suit in federal court to block it.”

On May 5, 2022, the U.S. Department of Agriculture issued guidance to Alabama and other states announcing that discrimination on the basis of sex in Title IX and the Food and Nutrition Act would now be interpreted to include discrimination on the bases of sexual orientation and gender identity. Under this interpretation, Alabama’s Title IX and SNAP school-lunch funding would be at risk if a school determines that a boy cannot compete on the girls’ swim team or refuses to allow boys into the girls’ locker room.

In the lawsuit, the attorneys general argue that the USDA’s guidance is unlawful because it conflicts with the requirements of Title IX and the Food and Nutrition Act and was issued without providing the State and other stakeholders the opportunity for input, as required by the Administrative Procedures Act.

The attorneys general argue that the USDA premised its guidance on an obvious misreading and misapplication of the U.S. Supreme Court’s holding in *Bostock v. Clayton County*. The guidance imposes new and unlawful regulatory measures on state agencies and operators receiving federal financial assistance from the USDA and thus threatens essential nutritional services for Alabama’s most vulnerable children.

The National School Lunch Program services nearly 30 million schoolchildren each day, many of whom 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.



Attorney General Marshall joined attorneys general from Alaska, Arizona, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia in filing the lawsuit in the U.S. District Court for the Eastern District of Tennessee on Tuesday.

The attorneys general lawsuit can be read [here](#).