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Florida Attorney General's Office News Release

AG Moody Demands President Biden Stop Using School Lunches for Political Purposes

TALLAHASSEE, Fla.—Attorney General Ashley Moody is demanding President Joe Biden withdraw a federal agency's new directive that threatens to deny much-needed food programs to school-aged children. The U.S. Department of Agriculture's recent memo imposes unlawful regulatory measures on state agencies and operators receiving federal financial assistance. The new guidance drastically expands the USDA's interpretation of the prohibition on sex discrimination found in Title IX to include discrimination due to sexual orientation and gender identity. As a result, any entity that receives federal funds through the Food and Nutrition Act and the Supplemental Nutritional Assistance Program (SNAP) administered by the USDA must comply with an unlawful application of *Bostock v. Clayton County* and Title IX, or lose federal funding.

Attorney General Ashley Moody said, "Using hungry children to advance a political agenda is appalling, but not surprising given the way this administration has thumbed its nose at federal law and convention. We will not allow Joe Biden to threaten the health and wellbeing of Florida students. I am proud to join a majority of states in demanding Biden stop using our children to force his will on schools."

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

In a letter to the president, the attorneys general argue that 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 issued by the USDA is unlawful because it is premised 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." Additionally, USDA failed to provide the necessary opportunity for states and other stakeholders to provide input, as required by the Administrative Procedure Act.

The attorneys general also point out that the guidance imposes new and unlawful regulatory measures on state agencies and operators receiving financial assistance from the USDA. These measures will inevitably result in regulatory chaos that threatens essential nutritional services to some of the most vulnerable citizens.

In addition to Attorney General Moody, the attorneys general of the following states joined in signing on to the letter: Alabama, Alaska, Arkansas, Arizona, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming.

To read the full letter, click here.