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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To repeal Executive Order 13988 and prohibit the Secretary of Agriculture from carrying out certain requirements relating to sexual orientation and gender identity for participation in school meal programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GROTHMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To repeal Executive Order 13988 and prohibit the Secretary of Agriculture from carrying out certain requirements relating to sexual orientation and gender identity for participation in school meal programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Wrongs to Our
5 Kids’ Educational Meals (W.O.K.E.) Act of 2022”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In enacting Title IX of the Education
4 Amendments of 1972 (20 U.S.C. 1681 et seq.), after
5 careful deliberation and debate and more than 250
6 educational proposals leading up to the introduction
7 and enactment of Title IX, Congress explicitly envi-
8 sioned a prohibition against “discrimination on the
9 basis of sex,” to mean any discrimination based on
10 biological distinctions between male and female. This
11 is supported by the plain and ordinary meaning of
12 the statutory text, by the Congressional Record, and
13 by Title IX’s enacting regulations.

14 (2) Executive branch administrative or regu-
15 latory actions, policies, or guidances, from the U.S.
16 Department of Education, the U.S. Department of
17 Agriculture, or other agencies or entities, that seek
18 to rewrite or reinterpret the plain and unambiguous
19 language of Title IX as having meaning beyond
20 “sex” as the biological distinctions between male and
21 female—including such constructs as “sexual orienta-
22 tion and gender identity”—not only inappropriately
23 misconstrue Title IX’s plain and clear statutory lan-
24 guage, but they also contravene Congressional intent
25 behind its enactment, and misapply Supreme Court
26 precedent on sex discrimination. Additionally and

1 importantly, any such administrative actions by fiat
2 usurp and circumvent legislative powers that are the
3 sole province of Congress under Article I, Section 1
4 of the Constitution.

5 (3) In its 2020 decision *Bostock v. Clayton*
6 *County*, 140 S. Ct. (2020), the U.S. Supreme Court
7 expressly limited its decision to and narrowly ad-
8 dressed employment issues, did not construe Title
9 IX, and expressly disclaimed application to “other
10 federal or state laws that prohibit sex discrimina-
11 tion”. Thus, it is altogether and entirely improper,
12 inappropriate, and misguided to construe *Bostock* as
13 applying to Title IX.

14 **SEC. 3. REPEAL OF EXECUTIVE ORDER 13988.**

15 (a) REPEAL.—Executive Order 13988, 86 Fed. Reg.
16 7023 (January 25, 2021), is hereby repealed.

17 (b) RELATED ACTION.—Any regulations, guidance,
18 or other agency action related to such Executive Order
19 shall not have any force or effect and are hereby repealed
20 or revoked, as applicable.

1 **SEC. 4. PROHIBITION ON CERTAIN REQUIREMENTS RELAT-**
2 **ING TO SEXUAL ORIENTATION AND GENDER**
3 **IDENTITY FOR PARTICIPATION IN SCHOOL**
4 **MEAL PROGRAMS.**

5 In carrying out the school lunch program authorized
6 under the Richard B. Russell National School Lunch Act
7 (42 U.S.C. 1751et seq.) and the school breakfast program
8 established by section 4 of the Child Nutrition Act of 1966
9 (42 U.S.C. 1773), the Secretary of Agriculture shall not
10 require a State or local agency, program operator, or spon-
11 sor that participates in such programs to—

- 12 (1) investigate allegations of discrimination
13 based on gender identity or sexual orientation; or
14 (2) update non-discrimination policies and sign-
15 age to include prohibitions against discrimination
16 based on gender identity and sexual orientation.